

CLERK'S COPY.

Vol. II

TRANSCRIPT OF RECORD

(Pages 381 to 704)

Supreme Court of the United States

OCTOBER TERM, 1945

No. 15

HARRY E. WHITE, PETITIONER,

vs.

**WM. F. STEER, COLONEL, INFANTRY, UNITED
STATES ARMY, PROVOST MARSHAL, CENTRAL
PACIFIC AREA**

**ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT
OF APPEALS FOR THE NINTH CIRCUIT**

PETITION FOR CERTIORARI FILED DECEMBER 29, 1944.

CERTIORARI GRANTED FEBRUARY 12, 1945.

No. 10774

United States
Circuit Court of Appeals
For the Ninth Circuit.

WM. F. STEER, Colonel, Infantry, United States
Army, Provost Marshal, Central Pacific Area,
Appellant,

vs.

HARRY E. WHITE,

Appellee.

Transcript of Record
In Two Volumes
VOLUME II
Pages 381 to 704

Upon Appeal from the District Court of the United States
for the Territory of Hawaii

PETITIONER'S EXHIBIT "J-4"

* * *

The text of Admiral Nimitz' proclamation was as follows:

PROCLAMATION No. 1

To the People of the Marshall Islands:

In prosecuting their war against the Japanese it has become necessary for the armed forces of the United States under my command to occupy this and other islands of the Marshall islands.

It is the policy of the United States forces not to make war upon the civilian inhabitants of these islands but to permit them to continue their normal lives and occupations in a peaceable manner; so far as war necessities and their own behaviour permit.

In order to preserve law and order and provide for the safety and welfare both of my forces and of yourselves, it is necessary to establish military government in the islands occupied by United States forces.

Therefore, I, C. W. Nimitz, Admiral, United States navy, commander in chief, United States Pacific fleet and Pacific ocean areas and military governor of the Marshall island areas occupied by United States forces, do hereby proclaim as follows:

I.

All powers of government and jurisdiction in the occupied territory and over the inhabitants therein, and final administrative responsibility, are vested in me as admiral, United States navy, commanding

the United States forces of occupation, and military governor, and will be exercised through subordinate commanders by my direction.

II.

The exercise of the powers of the Emperor of Japan shall be suspended during the period of military occupation.

III.

All persons will obey promptly all orders given by me or under my authority; must not commit acts hostile to the United States forces under my command or in any way helpful to the Japanese; must not commit acts of violence or any act which may disturb public safety in any way.

IV.

Your existing personal and property rights will be respected and your existing laws and customs remain in force and effect, except to the extent that it is necessary for me in the exercise of my powers and duties to change them.

V.

Until further notice, United States dollar currency, overprinted "Hawaii" and United States coins will be legal tender in the occupied territory and all persons are warned against accepting or dealing in any other currency whatever, except as permitted under my orders.

VI.

So long as you remain peaceable and comply with the orders of the United States forces of occupation, you will be subject to no greater interference than is made necessary by war conditions, and may go about your normal occupations without fear.

VII.

Further proclamations and orders will be issued by me or under my authority from time to time. They will state what is required of you and what you are forbidden to do and will be displayed at police stations and in your villages.

C. W. NIMITZ,

Admiral, United States Navy,
Commander in Chief,

United States Pacific Fleet and
Pacific Ocean Areas

Military Governor of the Marshall Islands.

◦ Date: 31 January 1944.

Star-Bulletin 2-4-44.

[Endorsed]: Filed 4-20-44.

PETITIONER'S EXHIBIT "J-5"

GEN. RICHARDSON SAYS
HAWAII'S COOPERATION
IMPORTANT IN THE WAR

(Following is the text of the address by Lt. Gen. Robert C. Richardson Jr., commanding the Hawaiian department of the army, and military governor of the territory, at the quarterly luncheon meeting of the Honolulu Chamber of Commerce today.)

[Stamped]: Jul 15 1943

It was with a great deal of hesitancy that I consented to address the chamber of commerce today. Not that I am not very appreciative of the honor you have done me as representative of the army, but because of my deep conviction that it is better for general officers to perform rather than predict. Like the old saw relative to children, they should be seen and not heard.

In time of peace our people are not interested very much in their army and navy and the public regard their generals and admirals with mingled feelings of curiosity and amusement.

Their opinions are rarely sought and their influence is negligible.

When war comes, however, the story is different, and the people are suddenly interested in the men who are to lead the armed forces and safeguard the country, as what these leaders do and say often has a great impact on the life of the nation.

They are charged with great responsibilities, of

Petitioner's Exhibit J-5—(Continued)

which the greatest is to lead their troops successfully in battle.

"Who are these men," you ask yourselves quite naturally, "to whom we have given our fortunes and our sons so that they may save our civilization? What are they doing and what have they accomplished?"

* * *

'Where Do We Stand?'

This thought prompted me to try to summarize our position in the subject: "Where Do We Stand?"

Many men much more learned than I have explained the reasons why we are in this war. They all boil down to our determination to defend what we have which Germany and Japan threatened to take away from us.

Fundamentally, the basic reasons are economic, the truth of which can best be revealed by a simple statement made by a Roumanian officer to me some years ago.

OUR GROWTH. Time is rushing on so fast and so many events fill our lives that we are apt to forget how unprepared we were just three short years ago.

To appreciate where we stand today we must recapture where we stood only recently and cast a backward glance at the army's weakness.

In 1920 our regular army numbered 118,000 men only, just about enough to form one army corps,

Petitioner's Exhibit 5—(Continued)

whereas today we have 15 corps, not to mention our armies, task forces, and services.

In 1940, 20 years later, we had 185,000 men of the regular army, supplemented by 120,000 national guard and a corps of 100,000 reserve officers, a derisory number to protect 130,000,000 people.

Only 12,000 regular officers were available to begin the great task of expansion.

Reaching 7,500,000 Mark

Today we are rapidly reaching 7,500,000, of which 2,000,000 are in the air corps, and simultaneously the navy, marines, and coast guard are growing to the respectable figure of 2,000,000, or an over-all figure of nearly 10 million men—one of the largest armed forces in the history of any nation.

To an audience of this character it is unnecessary for me to dwell on the problems involved in this tremendous expansion—problems of food, shelter, construction, clothing, transportation, armament, and equipment, to mention a few.

Some of the problems seemed insurmountable, but the army, navy, business and industry, working together, gradually licked them to such a degree that the armed forces have been able to develop almost rhythmically according to plan.

Shortly after the fall of France our leaders realized that our armed forces were dangerously weak and under the leadership of our president congress authorized calling into service the national guard in

Petitioner's Exhibit J-5—(Continued)
September, 1940, and passed the selective service act in October, 1940.

Canal Protected

Meanwhile, the president threw a protective chain around the Panama canal by the acquisition of bases in the Caribbean sea and in the Atlantic.

We were not yet at war, but as I look back upon these steps in preparedness it seems to me that the nation should be very grateful for the farsightedness of our leaders which gave the nation a running start when we were forced into the great conflict by the disaster at Pearl Harbor.

It is only necessary to compare our condition on December 7, 1941, upon entering the war, with that when we declared war in April, 1917.

In World War I we started from scratch, whereas in World War II we were quite far ahead of the game.

But after Pearl Harbor the nation took a dive into the war and went to town on the preparedness of our army and navy.

* * *

Even though the war department had made many war plans for all eventualities no human being could have foreseen that the modern war would require so many different types of units and that it would be fought all over the world.

Under All Conditions

The character of the war soon showed that our organizations would have to be adapted to fighting

Petitioner's Exhibit J-5—(Continued)

in all climes and under all conditions and therefore the war department was required to develop not only divisions, with their attendant services, but new, strange units—tank corps, airborne divisions, parachute troops, antiaircraft regiments, dive bombers, fighters, heavy bombardment, machine guns, and antiaircraft armament of all calibers and vehicles galore of all types, sizes and shapes—new and strange.

When I see it all today and realize that it has been developed in two and one-half short years it seems that a miracle has taken place in our country.

There have been many miracles in the last two or three years, but I think that without doubt the greatest has been the transformation of our peacetime industry to total war production.

But the mere possession of equipment and raw men by no means makes an army.

The training of these men within their new organizations was a very difficult problem; first, because our people fundamentally are opposed to what is known as armed discipline.

They are naturally afraid of regimentation or living a regulated life.

Followed Public Opinion

In the early days of the training of the army the leaders of the army were forced to follow public opinion, which seemed to insist that new men coming into the army should be treated almost gently.

We looked upon it as an age of pampering and

Petitioner's Exhibit J-5—(Continued)

coddling, and were dismayed and chagrined at the thought that perhaps Americans had become soft.

But we quickly found that the men themselves detested that attitude and with few exceptions welcomed the most Spartan discipline which has always characterized the army and without which long experience has taught us battles can not be won.

* * *

As illustrative of the effect of such coddling on our soldiers I recall an actual happening in connection with a sentry on guard.

As all of you know, whenever a strange person approaches a sentry post at night the sentry is required to challenge him in good resounding English, "Halt, who goes there?"

But in this early army we were developing the sentry on duty, perhaps under the spell of the age of pampering, cried, "Halt, who is this please?"

It was not long, however, before our new army realized what was meant by the word "discipline."

Value of Discipline

They quickly found that it is disassociated entirely from punishment and is synonymous with good training. A disciplined soldier is a trained soldier. He observes law and order.

One of the most formidable problems which confronted the army was the training of officers.

Although we had 100,000 reserve officers many of them were classed too old for combat duty and it was necessary to have recourse to officer candidate

Petitioner's Exhibit J-5—(Continued)

schools, in which most of our finest young officers have been developed.

* * *

The mere acquisition of the uniform has nothing to do with making an officer. He has to shed not only his civilian clothes but a certain mental attitude toward life.

He must divest himself largely of expediency and view his work in terms of what is best for the interests of the country.

That is much more difficult than it sounds. It is not until he gets the feel of being a member of a large fraternity which is working for an ideal that he can be characterized as an officer.

Same Influence Necessary

To a lesser degree the same influence is necessary to make a soldier. Until a man has been in the service at least six months and absorbed the ethics of the army—which, after all, are very high—he is unhappy and feels that he is in an alien world.

But once he has acquired the feeling of being a member of a fraternity his whole outlook on the profession changes.

In this new army—which is your army—there has been achieved an amalgam of all the various components. The regular army, reserves, national guard have all been obliterated and now form one army—the army of the United States. In it is all the talent of our country. It represents a mosaic of habits, customs, thoughts of our great land.

Petitioner's Exhibit J-5—(Continued)

Rubbing shoulders are the boy from the country, and the boy from the city, the rich boy and the poor boy, the farmer and the college professor, the chemist, and the welder—all united by the same sense of duty.

Strength Is Felt

Speaking as a commander who has seen the army grow and who for the first two or three years felt its weakness, I can now say with conviction that I am beginning to feel its strength like the strength of a man who has been convalescing and who now feels the warm blood of health running through his veins and urging him to try his powers.

The army is now becoming seasoned and acquiring maturity and it represents today an institution which is full of virility and in which our American manhood is being reborn.

This great army which I have attempted to describe is fighting on battlefronts all over the world which do seem fantastic when the list is called: Guarding the Panama canal we have troops in the Bahamas, Cuba, Panama, Antigua, Santa Lucia, Trinidad, Curacao, British Guiana, Guatemala.

* * *

In the Atlantic further north we have them occupying the Bermudas, the North Atlantic, Newfoundland, Greenland, Iceland, Great Britain.

Farther south, Africa and Islam, North Africa, and now Pantelleria, Lampedusa, Sicily.

Again we have them in Trans-North Africa, West Africa, Eritrea, Egypt, Iraq, Iran, Indo-China, In-

Petitioner's Exhibit J-5—(Continued)

dia, Burma, China. Again in the southwest Pacific, Australia, New Guinea, Woodlark, Trobriand islands, Solomons, Fijis, Tahiti and other islands too numerous to mention, all looking toward Hawaii as their supporting base.

World Strategy

The world strategy decided upon by the leaders has necessitated the occupation of all these islands by our troops. It is no secret that our compass has been set to defeat Germany and Italy first.

Europe is being encircled by a great steel ring and I do not mean a Nibelungen ring. We are now on the perimeter, slowly closing the ring around the continent.

When that has been accomplished and Germany and Italy fall, the weight of the United Nations will be turned to the Pacific.

* * *

In the meantime the Pacific has undergone in the last few months an extraordinary development. Without mentioning any names of islands, this whole great area is a series of magnificent bases from which our aircraft can operate and which form a great line of communications to Australia.

From a trickle of planes which passed through here one years ago a stream has developed, and we are looking forward to the not too distant future when that stream will become a torrent.

At the present moment the offensive has been grabbed by us from the Japanese and instead of

Petitioner's Exhibit J-5—(Continued)

being on the receiving end we are now on the giving end and are hammering at the defensive perimeter. Slowly but surely the center of gravity of operations is moving north and northwest toward Japan, with the idea of depriving her of her airbases.

Not Basis of Judgment

In this area your interests naturally are centered on the war against Japan.

Many of you in this audience know the Japanese profoundly, but your association with them in Hawaii does not furnish a basis to judge them on the field of battle.

From all the reports that have reached me they are a resolute, resourceful, determined and cruel enemy.

They are relentless and indoctrinated with military ardor to the point of fanaticism.

Their psychology has been determined by years of indoctrination that the soldier represents the highest expression of man's occupational life.

Nearly all of the nations throughout history have rather despised their soldiers and looked upon them as mercenaries.

But the Japanese have always extolled the armed forces.

* * *

Proverbs Show Attitude

Although the Chinese are emerging from their former contempt of soldiers, a reading of their early proverbs gives an insight into their attitude.

Petitioner's Exhibit J-5—(Continued)

As they formerly said, "Good iron is not for nails nor good men for soldiers." Or again, "It is better to have no son than one who is a soldier."

Even the Germans who today extol their soldiers, said, "Soldiers deserve to be well paid and well hanged."

And the French, who have always looked down on the professional soldier, remarked "Old soldier, old idiot."

And even the Russians, in their proverbs, speak contemptuously: "Flog two to death and train one."

But the Japanese say, "Among flowers the best is the cherry blossom; among men the best is the soldier."

It is that psychology that makes the Japanese soldier a formidable foe.

With the increased tempo of the war in this area, Hawaii becomes more important than ever as a great base and a support of future operations against the Japanese.

* * *

Must Remain on Alert

We must not, however, allow ourselves to become overconfident or feel that we can be less alert because we read in the papers that our navy has sunk four more warships or that our army has taken a few more island bases.

The people here must realize and understand that they are in a war zone, where anything can happen, any day, at any time.

Petitioner's Exhibit J-5—(Continued)

Our enemy is resourceful and in my judgment will leave no stone unturned to humiliate us even at great sacrifice to himself and he would be willing to risk a great deal and gamble with his assets if he could inflict destruction upon even a part of these islands.

The location, therefore, of the islands in the war zone has subjected the people of this territory to military law, which is nothing else than the law of necessity.

I realize that it is natural for civilians, who are not accustomed to any control by the military, to chafe under military law, but let me put it before you in this light: Is it better to satisfy one's personal feelings and do without military law than to live in the knowledge that it is done for the safety of our country?

* * *

Weigh Personal Desires

At a time like this it is essential that every citizen weigh his personal desires, his business profits, his decisions, all in terms of the interest of our country.

The people of the territory have been most patriotic in acquiescing to martial law and have supported the general orders in a manner that calls for great praise.

Last March there were returned to the civil authorities many of their normal functions, but it was found necessary to retain under the control of the military governor the labor engaged upon army

Petitioner's Exhibit J-5—(Continued)
and navy contracts and certain public utilities and the stevedores.

This labor is as vital to the success of our armed forces as are the soldiers and sailors.

War is not waged by men in uniform alone. They can do nothing unless backed by civilian labor.

Therefore, I regard this labor as an integral part of our team and I wish to take this opportunity of paying great tribute to the men and women who are working so cheerfully and so helpfully upon all of our projects.

Justice For Labor

Labor can rest assured that the military authorities are just as much interested in their welfare and in seeing that justice is done them as they are in the welfare of the soldiers and sailors.

It was because of this great cooperative spirit existing among the people of the islands, coupled with the seizure of the offensive in the Pacific by our armed forces, that I feel justified in easing up on the hardships of the blackout.

* * *

I feel confident that together we can work out this problem so that life will be more pleasant and more bearable without relaxing in any degree our alertness and the regulations for our security.

But we must all work together. As I have said before, one man can do very little, but together we can a lot.

Petitioner's Exhibit J-5—(Continued)

Contribution to Defense

In this connection I should like to leave the thought that whatever is done should be viewed as a contribution to our country's defense and not as something done as a favor to institutions called the army or the navy.

Those institutions are YOUR institutions. You PAY for them and they belong to you.

They are composed of your fathers, your sons, and your brothers and you should never refer to them as THE army or THE navy but you should now refer to them as OUR army and OUR navy.

The cooperation which has existed in this community has been splendid—by business, by industry, by professions, and by labor, and with this continued cooperation we can beat the Japanese and save our civilization.

* * *

Americans should be willing to sacrifice for America. We owe so much to our great country, which has been so generous to each and every one of us.

We should be willing to sacrifice to preserve the character of our people and our civilization.

Americans Most Generous

Of all the people that I have seen I say without hesitation that as a nation we are the most generous, the most tolerant, the most understanding, the most unselfish, the most Christian in outlook. Those are our good qualities.

But we have some very poor qualities which I am afraid have already done us harm and will do

Petitioner's Exhibit J-5—(Continued)

us greater harm in the future unless we correct them.

As a race we are naive, a little gullible, and we do not think far enough in the future.

Life has been good and kind to us and we have not been forced to give too much attention to the destiny of our country.

The experiences, however, which our men are having in this war should be a liberal education and at the same time a sobering influence. They are living in an atmosphere of morality and moral principles, and I hope that their experience will cause them to reaffirm their faith.

When the war is over I hope that we can utilize the army as a great school of citizenship. You can call it universal military training, if you wish, but my idea goes beyond the purely military development and encompasses a field in which our men giving a year's service in the army are taught the history of our country and the best means of preserving our democratic principles.

There is no militarism whatsoever in the American army and I hope that there never will be.

We must study our problem and be ready and develop a plan not for today but for the next generation.—Star-Bulletin

[Endorsed]: Filed 4-20-44.

PETITIONER'S EXHIBIT "J-6"

Gen. Richardson To Take Command Here

Replaces Gen. Emmons Who Goes to Duty
At Another Post

[Stamped]: May 27 1943

At his final press conference in the "little White House" in Iolani palace grounds this afternoon, Lt. Gen. Delos C. Emmons, commanding the Hawaiian department and military governor, announced he is leaving for a new command.

As his successor, he announced Maj. Gen. Robert C. Richardson Jr., who will take over in a few days.

Gen. Emmons said he has "a slight idea where his new command will be but that it is confidential at the moment."

Gen. Richardson attended the conference and was introduced to correspondent Maj. Harry Albright of the Hawaiian department public relations office.

In opening the conference, Gen. Emmons said:

"I wish to thank members of the press for their sympathy, cooperation and understanding during my stay in Hawaii.

"Then I want to introduce my successor, Gen. Richardson, and I want him introduced personally to all the correspondents present. He will take over in a few days.

"I have an aloha message for all of you," he said.

Aloha Message

His aloha message follows:

"People of Hawaii: Seventeen months have now passed since that fateful day in December, 1941, when war came suddenly to our country in direct violation of the protestations of the attacker.

"On December 17, 1941, by direction of the President, I arrived and assumed command of the Hawaiian department, and became the military governor of the territory.

"It is now with sincere regret that I announce my departure from Hawaii to another area, the location of which I may not as yet disclose.

"My tour of duty has given me the privilege of leading troops of all arms and of associating on an intimate basis with many officers and men of the navy and the marine corps.

Pleasant Experience

"As the executive head of the government under martial rule, I have dealt with many hundreds of civilians of all classes.

"Viewing the past year and a half in retrospect, it is the most pleasant experience I have ever had.

"Many factors have contributed to that result, but mention may be made of only a few in particular.

"The officers and men of the Hawaiian department are entitled and have my sincere appreciation and gratitude.

"They have given me their loyal support and untiring efforts and their consistent cooperation.

"I know that by reason of their training, physical

fitness, equipment and fine leadership they are ready to fight as ably and courageously as any similar group in our army.

Thanks to Navy

"The great naval installations on Oahu required the presence here of a large contingent of naval, marine and coast guard personnel."

"I desire publicly to express to Admiral Nimitz and to the splendid officers and men of the navy and its allied services my thanks for their assistance and cooperation during the period of military rule in the territory.

"Our sister service in this war as always is proving itself worthy of leave taking the tremendous it.

"I can not overlook at this time of all the fine tradition peculiar to amount of work which has been done by the women of this community in the past 17 months.

Praise for Women

"Many hundreds of women have done emergency work—oftentimes difficult and strenuous—to provide needed hospital facilities, office assistance, clerical work and recreation, for the members of the armed forces.

"These women have earned the gratitude of the men who have benefited by their generous and willing efforts.

"The task of building fortifications, airfields, roads and military installations has been immense.

"We asked and received the services of thousands of men, in-

"Our sister service in this war as always is proving itself worthy of leave taking the tremendous it.

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"These women have earned the gratitude of the men who have benefited by their generous and willing efforts.

"The task of building fortifications, airfields, roads and military installations has been immense.

"We asked and received the services of thousands of men, including those essential to plantation operation, to do these jobs.

"Speed was one of the prime essentials in order to attain a reasonable military security for the islands at the earliest possible date.

"Civilian war workers have completed many of their projects ahead of schedule.

In Splendid Fashion

"In giving you my aloha may I say that you have conducted yourselves in this emergency in our country's life in a splendid fashion."

"My task was a difficult one in many ways. It would have been doubly so had it not been for the

wholehearted support and cooperation of former Governor Poindexter, Governor Stainback and all of the federal and civil officials and the public as a whole.

"The people of Hawaii have set an example for the nation to follow. To them I express my deep appreciation for their confidence and the hope that I have not failed them.

"I wish for you all—soldiers, sailors, marines and civilians—the best of everything in life.

"May the time soon come when these delightful islands may once more enjoy a peaceful routine of life, undisturbed by the threat of aggression from a ruthless, lawless and godless enemy."

In the transfer to new duties, it is believed here that the outstanding record that Gen. Emmons has made as commanding officer of the Hawaiian department is recognized.

It is indicated also that the special work of preparing Hawaii against imminent danger of attack, on which the selection of Gen. Emmons was partly made just after the "blitz" of December 7, 1941, has been largely completed.

West Point Graduate

Gen. Richardson was born October 27, 1882, in Charleston, S. C. He is now 61 years old.

He attended the College of Charleston from 1898 to 1900. In 1904 he was graduated with a B.S. degree from West Point.

In 1905 he saw action as a lieutenant against the Moros in the Philippines. He was given the Silver Star decoration for gallantry in the campaign.

From 1906 to 1911 he was an assistant instructor in modern languages at West Point.

He left the academy for duty with the 23rd infantry regiment in Texas until 1914. He returned to West Point to become an assistant professor in English from 1914 to 1916.

In 1916 he married Lois Elbertine Farman. They have a son, Robert Charlwood III.

During World War I he served as a liaison officer in the AEF and held the rank of lieutenant colonel.

As a result of this, he was awarded the Distinguished Service Medal for notable military attainments with the AEF in France.

Attended Peace Parley

After the war he was with the 3rd army of occupation at Coblenz, Germany. He was on the reparations board in France and attended the peace commission in Paris.

Gen. Richardson was graduated from the French war college and was appointed military attache at the U. S. embassy in Rome, where he became acquainted with Mussolini.

He has held many important army posts in his military career. He was commandant at West Point, commander of the 5th cavalry at Ft. Clark, Tex., commander of the 1st cavalry division at Ft. Bliss, Tex., commander of the cavalry school at Ft. Riley, Kan., and, in 1941, he was director of the public relations bureau of the war department.

Many Decorations

Gen. Richardson has been awarded the following decorations:

Distinguished Service medal, Allies victory medal with three stars, Purple Heart, Silver Star (U.S.); Croix de Guerre with palm, Officer Legion of Honor (France); Order of Leopold, (Belgium);- Officer Order of St. Maurizio and St. Lazarus (Italy); and Officer La Solidaridad (Panama).

Gen. Richardson also wrote a book, West Point—An Intimate Picture of the National Academy.

He is a member of the Ends of the Earth club, New York; Army and Navy club, Washington and Manila, and the Army & Navy Country club, Arlington, Va.

He is a member of the Episcopal church.

From West Virginia

Gen. Emmons was born January 17, 1888, in Huntington, W. Va.

Upon graduation from West Point in 1908 he was appointed a second lieutenant of infantry.

His services prior to the World war included duty with infantry troops at the Presidio, San Francisco, Cal.; at Ft. Gibbon, Alaska; at Plattsburg barracks, N. Y., and on the Mexican border during frontier disturbances of 1916-17.

Shortly after the entrance of the United States into the World war, he was detailed with the aviation—Star Bulletin.

[Endorsed]: Filed 4-20-44.

PETITIONER'S EXHIBIT "K"

(Copy of Petition)

November 30, 1940.

Honorable Cordell Hull,
Secretary of State,
Washington, D. C.

Dear Mr. Secretary:

We, the undersigned, are American citizens of Japanese ancestry, born under the United States flag. By virtue of our birth on American soil we are American citizens, according to the laws of these United States. At the same time, according to the citizenship laws of Japan, we were born Japanese citizens because our parents were subjects of Japan. We were thus born with a dual citizenship status, owing to the operation of two types of citizenship laws.

We have grown up as Americans in mind and spirit with loyal devotion in our hearts to this land of our birth. Many of us, indeed, were unaware that we were claimed as citizens by another government, being in this respect like other Americans who, quite unknown to many of them, are likewise claimed by the nation of their foreign-born parents.

By action of the Government of Japan in 1924, a procedure of expatriation from Japanese citizenship has been provided, and a substantial number have been duly expatriated. We wish to call to your attention, however, that the expatriation procedure is complicated and cumbersome, entailing involved

correspondence and long waiting. In many individual cases the technical difficulties are appalling, and in numerous instances more than a year elapses before the action is at long last completed. Some of the older members of our group have found it well-nigh impossible to secure the witnesses required for the issuance or validation of birth certificates, without which expatriation applications cannot be filed, so that no matter how much they may desire to be expatriated from the Japanese nationality they cannot realize their wish. Many have been deterred from taking the necessary steps for expatriation because of the cumbersome and sheer difficulty of the procedure, or because they are unwilling to recognize a claim upon them by any government other than that of the United States.

As a result, an appreciable number of Americans of Japanese ancestry are still left in the undesirable status of dual citizens. This is a situation of personal distress and inconvenience to the individuals concerned, resulting in tension and misunderstanding and bringing upon the heads of us Americans of Japanese ancestry much undeserved and unwarranted suspicion on the part of some of our fellow citizens.

We realize just as clearly as any of our fellow Americans that it is of the utmost importance that the nation be united in loyal thought and action, particularly in times of emergency or crisis; and we regard ourselves as the equal of any of our fellow Americans in the sincerity and intensity

of our allegiance to this land of our birth and the Stars and Stripes that symbolize our great nation.

Therefore, we respectfully address this petition to you, requesting that you exercise your good offices to the end that an arrangement be reached with the Government of Japan which will provide a more simple procedure of expatriation from the Japanese nationality.

Respectfully yours,

Petition To The Secretary Of State

United States Of America

Signature

Address

.....
.....

[Endorsed]: Filed 4-20-44.

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PETITIONER'S EXHIBIT "L"

Territory of Hawaii

Office of the Military Governor

Iolani Palace

Honolulu, T. H.

25 August 1943

General Orders

No. 31

HABEAS CORPUS PROCEEDINGS AND INTERFERENCE WITH MILITARY PERSONNEL IN PERFORMANCE OF MILITARY FUNCTIONS PROHIBITED.

1. Purpose.

1.01. This General Orders is issued to eliminate, prevent, and prohibit interference with military personnel in the performance of their military functions or duties within the Territory of Hawaii, and to eliminate, prevent, and prohibit interference with military operations within the Territory of Hawaii, and thereby to further the defense and internal security of the Territory of Hawaii.

2. Habeas Corpus Proceedings Prohibited.

2.01. No clerk, deputy clerk, other officer, or employee of the District Court of the United States for the Territory of Hawaii, or of any court of the Territory of Hawaii, shall accept or receive for filing in such clerk's office, deposit for filing, or file, or allow, authorize, or permit to be deposited for filing, or to be filed in such clerk's office, or with such clerk, any application or petition for a writ of habeas corpus, or make, issue, or execute

any summons, citation, decree, order, or other process in any habeas corpus proceedings.

2.02. No judge of the District Court of the United States for the Territory of Hawaii or of any other court of or within the Territory of Hawaii, shall accept or receive for filing with, in, or before such judge or court, or in the office of the clerk of such court, or with such clerk, deposit for filing or file or allow, authorize, order, or permit to be filed with, in or before such judge or court, or in the office of such clerk or with such clerk, any application or petition for a writ of habeas corpus.

2.03. No judge of the District Court of the United States for the Territory of Hawaii or of any other court of or within the Territory of Hawaii, shall authorize, allow, decree, order, direct, or permit any habeas corpus proceedings to be commenced, maintained, or prosecuted before or by such judge or in or before the court in or over which such judge sits or presides; nor shall any such judge maintain, prosecute, hear, try, or determine in whole or in part, any habeas corpus proceedings or any phase of, or matter related to or in any way connected with, any habeas corpus proceedings.

2.04. No judge of the District Court of the United States for the Territory of Hawaii or of any other court of or within the Territory of Hawaii, shall issue any writ of habeas corpus, order that any writ of habeas corpus issue or be issued, or authorize, direct, permit, or allow any writ of habeas corpus to issue, or be issued, from

the court over which or in which such judge presides or sits, or from the office of the clerk of said court, or by the clerk of said court.

2.05. No person, either in his own behalf or as attorney, agent, or in any way for or on behalf of another person, shall present to, file or attempt to file, or deposit for filing, any application or petition for a writ of habeas corpus; to or with the clerk, deputy clerk, a judge, other officer, or employee of the District Court of the United States for the Territory of Hawaii, or of any court of or within the Territory of Hawaii; nor shall any person either in his own behalf or as attorney, agent or in any way for or on behalf of another person, commence, maintain, or prosecute any habeas corpus proceedings in or before the District Court of the United States for the Territory of Hawaii or in or before any other court of or within the Territory of Hawaii.

2.06. Neither the United States Marshal for the Territory of Hawaii, any deputy or employee of such marshal, or any other officer or employee of the District Court of the United States for the Territory of Hawaii, or of any other court of or within the Territory of Hawaii shall accept or receive for service an application or petition for a writ of habeas corpus or copy thereof, or any writ of habeas corpus, any summons, citation, order, decree, warrant, or process of any kind in a habeas corpus proceedings; nor shall the United States Marshal for the Territory of Hawaii, any deputy of such marshal, or any other officer or employee

of the District Court of the United States for the Territory of Hawaii, or any officer or employee of any court of or within the Territory of Hawaii, serve or attempt to serve any application or petition for a writ of habeas corpus or copy thereof, or any writ of habeas corpus, or any summons, citation, mandate, decree, order, warrant, or process of any kind in a habeas corpus proceedings or issued or arising out of any matter or proceeding related to or in any way connected with a habeas corpus proceedings.

2.07. Any judge of the District Court of the United States for the Territory of Hawaii, or of any other court of or within the Territory of Hawaii, before whom a habeas corpus proceedings now is pending, shall forthwith discontinue such habeas corpus proceedings, and shall not maintain or prosecute, or allow, permit, or authorize to be maintained or prosecuted before such judge or the court in which such judge sits or presides, such habeas corpus proceedings any further, and hereafter shall not hear, try, or determine said habeas corpus proceedings or any phase of or matter related to or in any way connected with or arising out of such habeas corpus proceedings; nor, except as authorized in paragraphs 2.08 and 2.09 herein, shall any such judge hereafter issue any order, decree, mandate, summons, citation, warrant, or process of any kind in any such pending habeas corpus proceedings, or in any matter, action, or proceedings arising out of, related to, or in any way connected with any pending habeas

corpus proceedings; and such judge forthwith shall withdraw, revoke, and rescind any order, decree, mandate, summons, citation, warrant, or process of any kind, remaining unexecuted in any pending habeas corpus proceedings or in any matter, action, or proceedings arising out of, related to, or in any way connected with any pending habeas corpus proceedings.

2.08. Neither the Honorable Delbert E. Metzger, Judge, District Court of the United States in and for the Territory of Hawaii, nor any other judge of the said District Court of the United States in and for the Territory of Hawaii, shall make or issue, or order, direct, or cause to be made or issued, any process, mandate, summons, citation, order, decree, decision, determination, direction, or action in or relative to, or arising out of, by reason or because of, that certain habeas corpus proceedings now pending in the District Court of the United States in and for the Territory of Hawaii substantially styled or entitled as follows: "In the Matter of the Application of Walter Glockner," and bearing file or identification number or mark "H. C. 295," in the office of the Clerk of the District Court of the United States in and for the Territory of Hawaii. The said Delbert E. Metzger, Judge, District Court of the United States in and for the Territory of Hawaii, forthwith and immediately shall stay, refrain from, cause to be stayed, and desist from, all pending or further action or proceedings in said habeas corpus proceedings, or in any matter, action, or proceedings.

arising out of, related to, or in any way connected with, such pending habeas corpus proceedings.

2.09. Neither the Honorable Delbert E. Metzger, Judge, District Court of the United States in and for the Territory of Hawaii, nor any other judge of the said District Court of the United States in and for the Territory of Hawaii, shall make or issue, or order, direct, or cause to be made or issued, any process, citation, order, decree, decision, determination, direction, or action in or relative to, or arising out of, by reason or because of, that certain habeas corpus proceedings now pending in the District Court of the United States in and for the Territory of Hawaii substantially styled or entitled as follows: "In the Matter of the Application of Erwin R. Seifert, "and bearing file or identification number or mark "H. C. 296," in the office of the Clerk of the District Court of the United States in and for the Territory of Hawaii. The said Delbert E. Metzger, Judge, District Court of the United States in and for the Territory of Hawaii, forthwith and immediately shall stay, refrain from, cause to be stayed, and desist from, all pending or further action or proceedings in said habeas corpus proceedings, or in any matter, action, or proceedings arising out of, related to, or in any way connected with, such pending habeas corpus proceedings.

3. Interference with Military Personnel Prohibited.

3.01. No judge of the District Court of the United States for the Territory of Hawaii, or of any

court of the Territory of Hawaii, no United States Marshal for the Territory of Hawaii or his deputy, nor other public officer, deputy of such public officer, public employee, or any other person, shall, for any cause, whether or not such cause is deemed lawful cause by such judge, or other public officer, public employee, or any other person, in any manner, way, or form impede, oppose, or interfere with The Commanding General, United States Army Forces, Central Pacific Area, or with any other member of the armed forces of the United States, in his performance of his military functions, military duties, or military orders, or in his performance of any orders heretofore or hereafter issued by the Military Governor of the Territory of Hawaii, regardless of whether or not such order or orders are published in the newspapers of the Territory of Hawaii; provided, however, that nothing contained in this paragraph shall be construed or deemed to prohibit municipal police officers from arresting members of the armed forces for traffic offenses triable by the Provost Courts.

4. Provisions of this General Orders to be Liberally Construed.

4.01. Except where otherwise clearly indicated, in addition to being applicable to habeas corpus proceedings hereafter commenced, the provisions of this General Orders shall be applicable to habeas corpus proceedings heretofore commenced and now pending in the District Court of the United States for the Territory of Hawaii or in any other court of the Territory of Hawaii. The provisions of

this General Orders shall be liberally construed so that the purposes for which this General Orders is issued, set forth in Paragraph 1.01, may be fully effected and accomplished.

5. Penalties.

5.01. Any judge of the District Court of the United States in and for the Territory of Hawaii, any United States Marshal or Deputy United States Marshal in and for the Territory of Hawaii, or any other public officer, deputy of such other public officer, public employee, or any other person, who directly or indirectly, expressly or impliedly, in any manner, shape, or form, shall violate, attempt to violate, evade, or attempt to evade, or aid, assist, or abet, in any violation of, any provision of this General Orders, upon conviction thereof by a Provost Court heretofore or hereafter appointed by the Military Governor of the Territory of Hawaii, shall be punished by confinement, with or without hard labor, for a period not to exceed five (5) years, or by a fine not to exceed five thousand dollars (\$5,000.00), or by both such confinement and fine, or if convicted thereof by a Military Commission heretofore or hereafter appointed by the Military Governor of the Territory of Hawaii shall be punished as such Military Commission shall determine.

6. Issuance of this General Orders is Necessary Exercise of Martial Law Powers of Military Commander in This Theater of War.

6.01. This General Orders is issued by the undersigned as the Military Governor of the Territory

of Hawaii and as the Military Commander of the military forces of the United States in this theater of war in which martial law duly has been established and exists. This General Orders is a necessary exercise of the martial law powers of the undersigned as Military Commander of the military forces of the United States in this theater of war.

S/ ROBERT C. RICHARDSON, JR.

Robert C. Richardson, Jr:

Lieutenant General, United
States Army

Commanding General, United
States Army Forces, Central
Pacific Area

Military Governor of the Ter-
ritory of Hawaii

A True Copy:

WM. R. C. MORRISON

Wm. R. C. Morrison

Colonel, J. A. G. D.

Executive

[Endorsed]: Filed 4-20-44.

PETITIONER'S EXHIBIT "M"

THE VOLUNTEER

[Printer's Note: Only the text of the pamphlet following is reproduced, the pictures and captions under the pictures being omitted.]

The Editor and His Staff Present

THE VARSITY VICTORY VOLUNTEERS

"Determined to undertake any task assigned to them in the line of their duty and responsibility as American citizens, one hundred fifty young Hawaiian Born Japanese who had been immobilized from the territorial guard volunteered their services en bloc to army authorities the other day.

They were students from the University of Hawaii who had decided to "Do Something Practical" in demonstrating their undivided allegiance to the United States and their loyalty to their flag and the ideals for which it stands.

Many of them made great sacrifices in abandoning their plans for higher education but they considered that the call of their country was of vastly more importance than any selfish ambition or desire for personal advancement."

Editorial in *Hawaii Herald*

February 28, 1942

PROLOGUE

"This is more than an incident for passing notice.

It is an illustration of one of manifold ways in which Americans of Japanese ancestry can serve their country in time of emergency.

Petitioner's Exhibit M—(Continued)

These times are, admittedly, difficult for Americans of Japanese parentage.

The remedy for their difficult situation is basically with these young Americans of Japanese ancestry themselves.

They must, first, realize the fact that the militaristic regime of Japan has forced this situation on them and on all Americans.

Second, they must accept the further fact that there is bound to exist, particularly among Americans who have had little to do with this "second generation" a degree of uncertainty as to their attitude in time of dire emergency.

Third, they must conduct themselves loyally and with absolute regard for the spirit and the letter of our laws and regulations, bearing cheerfully the inconveniences to which they may be put.

Fourth—and this is highly important—they must do as this group of 155 young citizens has done—seek out and find a way to serve their country and their community in this emergency.

It is one thing to accept passively a difficult situation which irks and burdens and grieves you. It is another thing—a better and finer thing—to take the initiative in finding ways and means to be a definite usefulness—to be an active and not a passive citizen of our republic in wartime."

Editorial in Honolulu Star-Bulletin

February 25, 1942

Petitioner's Exhibit M—(Continued)

HISTORY

The history of this organization dates back to that black and fateful Sunday of December 7, 1941. When the University of Hawaii ROTC was called out in the emergency that day and organized into the Hawaii Territorial Guard, many of the present members enlisted. For two months these boys fulfilled the responsibilities of guarding and protecting the vital utilities and installations of the territory through the crisis. Then, a bombshell burst on January 19, 1942 and all members of Japanese ancestry were inactivated from the services of the Guard with honorable discharges.

This was indeed a terrible blow. These boys had served with loyal and earnest endeavor and with pride in being able to do their part for their country. Now, they had been told that their services were no longer needed.

After the first wave of bitter disappointment and frustration had passed, they realized that it was no time to sit passively and bemoan their grievous situation when, instead, they could actually be searching for other ways and means to serve their country; that in their country's darkest hour of need and danger, they must prove themselves useful in some other phase of the war effort.

One day during their period of ferment, a small group of those discharged from the HTG met with a few interested and sympathetic civic leaders and in the ensuing discussions, the deep-seated desire

Petitioner's Exhibit M—(Continued)

of these boys to contribute their services to the war effort now augmented by another burning desire to demonstrate their Americanism to dispel all doubts of their loyalty and sincerity, were plainly manifested. The next question was, "What were they going to do about it?"

Yes, the boys decided to do something about it; to do something in terms of bold, concrete action—no amount of words could ever prove equal. They decided to petition the military governor to explain their peculiar situation and to offer themselves unconditionally for whatever helpful service they could contribute toward the defense of their homeland and toward the winning of the war. Thus a petition was drawn up and plans for meeting and organization were formulated, all done with due notification to proper authorities.

There were clouds of doubt and suspicion that had to be cleared from ignorant and hysterical minds by strong, active deeds, not mere spoken words of loyalty and oaths of allegiance.

Therefore, a meeting was called to mobilize as many of the former Guardsmen as possible attending the University and those in town, and the petition, after much discussion and explanation of the critical position of the Japanese in Hawaii, was presented for their approval and acceptance. This petition, signed and presented to the military governor, Lt. General Delos C. Emmons, appears as follows:

Petitioner's Exhibit M—(Continued)

Honolulu, T. H.

January 30, 1942

Lt. Gen. Delos C. Emmons

Commanding General, Hawaiian Department,
U. S. A.

Fort Shafter, T. H.

Sir:

We, the undersigned, were members of the Hawaii Territorial Guard until its recent inactivation. We joined the Guard voluntarily with the hope that this was one way to serve our country in her time of need. Needless to say, we were deeply disappointed when we were told that our services in the Guard were no longer needed.

Hawaii is our home; the United States, our country. We know but one loyalty and that is to the Stars and Stripes. We wish to do our part as loyal Americans in every way possible and we hereby offer ourselves for whatever service you may see fit to use us.

Respectfully yours,

The general was very pleased with the gesture and accepted the boys as a labor corps under the Hawaiian Department Arm Engineers, to be housed as a unit and to work in conjunction with the army engineers. Then followed a scant one day notice for preparation and mobilization in which they left their jobs and withdrew from classes to answer the call, and on the morning of February 25, 1942, a group of volunteers, calling

Petitioner's Exhibit M—(Continued)

themselves the "Varsity Victory Volunteers," assembled on the steps of Hawaii Hall, on the campus of the University of Hawaii, to be tendered with a simple aloha ceremony by civic leaders, college officials, instructors, and former classmates of the University.

ORGANIZATION

The organization of the Varsity Volunteers is a unique, complicated, and pyramided integration of several bodies.

First, the organization is officially known as the Corps of Engineers Auxiliary, attached as a company to the 34th Combat Engineers Regiment; and therefore directly responsible to the U. S. Army Corps of Engineers. The pride of the organization is the splendid and efficient Army Personnel. The Commanding Officers are Lt. Colonel William Sexton, 34th Combat Engineers Regiment, and Capt. Richard Lum, Corps of Engineers Auxiliary. Company Commander Capt. Lum is ably assisted by Executive Officer Lt. Thomas Kaulukukui and Master Sergeants George Aikan and William Jarrett.

Second, the men are employed under Federal Civil Service Regulations.

Third, the members are divided into twelve work gangs, each under the leadership of an elected foreman. These squad foremen are "lorded" over by Supervisor Ralph Yempuku and his assistant, Ted Tsukiyama. The foremen concern themselves chiefly with the supervision of the work projects

Petitioner's Exhibit M—(Continued)

and meet with the Army Personnel every Thursday evening to exchange ideas. Squad foremen are Richard Chinen, Junichi Buto, Richard Yamamoto, Unkei Uchima, Harry Tanaka, Masato Doi, Suke-yoshi Kushi, Chiyoki Ikeda, Masaichi Sagawa, Claude Takekawa, Robert Kadowaki, and Henry Oyasato.

Fourth, every first Monday of a month, a general meeting is called to order by Supervisor Ralph Yempuku. The minutes of the meetings are kept by the elected secretary, Katsumasa Tomita, and the Company Fund is in the custody of the able treasurer, Henry Oyasato.

Equality is the Keynote of this assembly and foremen, army personnel, laborers, debate, discuss, and disagree. All are privileged to express their views, to make suggestions, and to initiate motions.

For the best interest and welfare of the members, two standing committees have been appointed by the Chairman. These are the Membership Committee, which interviews new members, and the Morale Committee. The last named committee is headed by Shiro Amioka. It promotes and sponsors such activities as monthly ~~and~~ ^{ances}, and essay and oratorical contests. It also investigates complaints and suggests remedies. Other members of the committee are Edward Okazaki, Ted Tsukiyama, Katsumasa Tomita, Herbert Isonaga, Chiyoki Ikeda, Unkei Uchima, David Miura, Yutaka Nakahata, Daniel Betsui, and Takashi Shikuma.

Petitioner's Exhibit M—(Continued)

PERSONNEL

ROSTER OF VVW MEMBERS

Name	Home Address
1. Akimoto, Tamotsu	925-D Robello Lane, Honolulu
2. Amioka, Shiro	518-A Ahui St., Honolulu
3. Amioka, Ted T.	2627 S. King St., Honolulu
4. Aoki, Tsugio	Kona, Hawaii
5. Asano, Fred N.	1820-G Waiola St., Honolulu
6. Betsui, Daniel D.	Hanapepe, Kauai
7. Buto, Junichi	844 Pumehana St., Honolulu
8. Chinen, Jenhatsu	Honouliuli, Ewa, Oahu
9. Chinen, Richard K.	1956 Kilauea Ave., Hilo, Hawaii
10. Doi, Masato	Paaupau, Hawaii
11. Doi, Wallace T.	Port Allen, Kauai
12. Emura, Edward T.	Lahaina, Maui
13. Fujioka, Shigeo	1560 Miller St., Honolulu
14. Fujita, David	1358 Kam IV Road, Honolulu
15. Fujita, Yasuhiro	529-C Malanai Place
16. Fujitani, Atsushi	Kapaa, Kauai
17. Furukawa, Sumu	810 Gulick Ave., Honolulu
18. Goto, Walter R.	Box 33, Station C, Upper Oil Road, Honolulu
19. Hamaguchi, Akira	971-A Robello Lane, Honolulu
20. Hamaishi, Clarence Y.	21 - Dole St., Honolulu
21. Harunaga, Toshio	Box 171, Honokaa, Hawaii
22. Hashimoto, Akira	2455 Huene St., Honolulu
23. Hashizume, Shuichi	Lahaina, Maui
24. Hayashi, Yoshimi	3383 Manoa Road, Honolulu
25. Hedani, Takao	302 N. School St., Honolulu
26. Higa, Warren T.	1730-B Olona Lane, Honolulu
27. Higashino, Edwin T.	1145 15th Ave., Honolulu
28. Himeda, Kikuji	1508-A River St., Honolulu
29. Himoto, Teruo	Box 226, Waiialua, Oahu
30. Hirai, Seichi	Box 158, Lanai City, Lanai
31. Hirano, Yoshiyuki	Lanai City, Lanai
32. Hirono, Howard M.	Box 928, Wahiawa, Oahu
33. Hirota, Jyun	4758-H Farmers Road, Honolulu
34. Honda, Edwin H.	Wailuku, Maui
35. Hoshijo, Anki	Hilo, Hawaii
36. Iha, Edward S.	1214 N. School St., Honolulu
37. Ikeda, Chiyoki	1402 Liliha St., Honolulu

Petitioner's Exhibit M—(Continued)

Personnel—Roster of VVV Members—(Continued)

Name	Home Address
38. Ikehara, Minoru	Kalaheo, Kauai
39. Ishihara, Stanley S.....	1253 Hall St., Honolulu
40. Ishii, Shigeru	634 Waiakamilo Road, Honolulu
41. Isonaga, Herbert S.....	Box 185, Koloa, Kauai
42. Iwasa, Walter M.....	Box 527, Wahiawa, Oahu
43. Kadowaki, Robert N.....	2025 Kealoha St., Honolulu
44. Kagawa, Shoso	618 McNeill St., Honolulu
45. Kajihara, Takashi	Lahaina, Maui
46. Kashiwada, James T.....	234 N. School St., Honolulu
47. Kato, Hiroshi	3228 Winam Ave., Honolulu
48. Kawabata, Taketo	Captain Cook, Kona, Hawaii
49. Kawabe, Toshiro	968-A Akepo Lane, Honolulu
50. Kawate, Kenneth K.....	Waimea, Kauai
51. Kikawa, Robert S.....	1223 15th Ave., Honolulu
52. Kimura, Stanley T.....	Box 171, Waipahu, Oahu
53. Kitagawa, Isamu	Kahului, Maui
54. Kobayashi, Roy T.....	894 S. Queen St., Honolulu
55. Kono, Kiyoshi	1246-A Aala Lane, Honolulu
56. Kuniyoshi, Hideo	Box 154, Hilo, Hawaii
57. Kushi, Sukeyoshi	Wailuku, Maui
58. Makino, Hideo	925-B Coolidge St., Honolulu
59. Manabe, Benjamin M.....	Lihue, Kauai
60. Matsumoto, Rance- ford Y.	Hana, Maui
61. Matsunaga, Joseph J.....	Box 756, Wahiawa, Oahu
62. Mayeda, Thomas	1724 9th Avenue, Honolulu
63. Mikami, Yoshiharu	3324 Campbell Ave., Honolulu
64. Minami, Hiroshi	Lawai, Kauai
65. Mita, Wilfred M.....	Box 605, Wahiawa, Oahu
66. Miura, David M.....	Box P, Kapaa, Kauai
67. Miyake, James S.....	Port Allen, Kauai
68. Miyake, Walter S.....	Port Allen, Kauai
69. Miyashiro, Yeiya	Ookala, Hawaii
70. Morisako, Henry H.....	534-A Holokahana Lane, Honolulu
71. Morisawa, Soji	920 Ahana Lane, Honolulu
72. Morita, Tom T.....	Kapaa, Kauai
73. Murata, Robert S.....	1608 McGrew Lane, Honolulu
74. Nagahisa, Henry S.....	686 S. Hotel St., Honolulu
75. Nagaji, Grover K.....	Box 387, Waipahu, Oahu
76. Nagao, Wallace T.....	Halaula, Kohala, Hawaii

Petitioner's Exhibit M—(Continued)

Personnel—Roster of VVV Members—(Continued)

Name	Home Address
77. Nagasako, Melvyn M.	Lahaina, Maui
78. Nagata, Shogo	1103 Pinkham St., Honolulu
79. Nakagawa, Yoshio	714 Kōnawai Lane, Honolulu
80. Nakahata, Yutaka	1014 1/2 Webb Lane, Honolulu
81. Nakama, Henry S.	2445 Ferdinand Ave., Honolulu
82. Nakamine, Roy K.	Makena, Maui
83. Nakamura, Allan I.	Holualoa, Kona, Hawaii
84. Nakamura, Edward H.	1349 10th Ave., Honolulu
85. Nakashima, Shigemitsu	1651 Alaneo Place, Honolulu
86. Namba, Ryoji	254 Moomuku Place, Honolulu
87. Narusaki, Mamoru	Kahaluu, Oahu
88. Nikaido, Thomas T.	964-D Robello Lane, Honolulu
89. Nishikawa, Akio	Paia, Maui
90. Nishimura, James S.	732 7th Ave., Honolulu
91. Nogawa, Raymond K.	57 Holt Lane, Honolulu
92. Nosaka, Seichi	1728 Kam IV Road, Honolulu
93. Oka, George K.	1353 Davis Lane, Honolulu
94. Oka, James I.	Waialua, Oahu
95. Okazaki, Edward Y.	Paia, Maui
96. Okubo, Yoshio	1266 Matlock Ave., Honolulu
97. Okubo, Yugo	1266 Matlock Ave., Honolulu
98. Okuda, James T.	853 Coolidge St., Honolulu
99. Okumoto, Walter T.	131 Koalele St., Honolulu
100. Onaga, Mitsuru	Papaikou, Hawaii
101. Ono, Masao	180 N. King St., Honolulu
102. Ono, Morimasa	2564 Kam IV Road, Honolulu
103. Ono, Seichi	Puunene, Maui
104. Ono, Tamotsu	554 Waipa Lane, Honolulu
105. Onodera, John T.	3518 McCorriston St., Honolulu
106. Otani, Akira	2425 East Manoa Road, Honolulu
107. Oyasato, Henry C.	Box 139, Koloa, Kauai
108. Sagawa, Masaichi	Box 136, Hawi, Hawaii
109. Saito, Herbert T.	231 Magellan Ave., Honolulu
110. Sakamoto, Ronald Y.	Wahiawa, Oahu
111. Saruwatari, Kenneth K.	1214 Auld Lane, Honolulu
112. Sato, Harry N.	Lawai, Kauai
113. Serikawa, Fumio	Kahuku, Oahu
114. Shikuma, Takashi	899 Kilauea Ave., Hilo, Hawaii
115. Shintani, Thomas T.	1733 Ashford St., Honolulu

Petitioner's Exhibit M—(Continued)

Personnel—Roster of VVV Members—(Continued)

	Name.	Home Address
116.	Suzuki, Terry T.	964-B Robello Lane, Honolulu
117.	Takara, John H.	3443 Winam Avenue, Honolulu
118.	Takekawa, Claude Y.	1560 Kam IV Road, Honolulu
119.	Takemoto, Kaname	Kapaa, Kauai
120.	Takizawa, Garret T.	920 Cedar St., Honolulu
121.	Tanaka, Harry T.	1632 Aupuni St., Honolulu
122.	Terada, Herbert M.	1436-A Liliha St., Honolulu
123.	Tokuyama, George H.	153 N. Kuakini St., Honolulu
124.	Tomita, Hiroichi	Wailuku, Maui
125.	Tomita, Katsumasa	207 Ululani St., Hilo, Hawaii
126.	Tottori, Calvin A.	4429 Ahuawa Place, Honolulu
127.	Toyota, Ralph H.	1441 Liona Place, Honolulu
128.	Tsuji, Ernest Y.	1921 Kalia Road, Honolulu
129.	Tsukazaki, Norman T.	1123 1st Ave., Honolulu
130.	Tsukiyama, Ted T.	1042 17th Ave., Honolulu
131.	Uehima, Unkei	Lawai, Kauai
132.	Ueki, Wilfred O.	Box 652, Paia, Maui
133.	Urabe, Howard M.	Kapaa, Kauai
134.	Uyeda, Kenichi	711-C Middle St., Honolulu
135.	Uyeda, Kenso	557 Pokole St., Honolulu
136.	Uyehara, Harry K.	Box 289, Honokaa, Hawaii
137.	Uyemura, Richard S.	Box 2725, Honolulu
138.	Uyetake, Joso	Wailuku, Maui
139.	Watanabe, Stanley	Wailuku, Maui
140.	Watase, Edward K., Jr.	Port Allen, Kauai
141.	Yabusaki, George H.	803 Kaloa St., Honolulu
142.	Yamada, Allen H.	Box 169, Koloa, Kauai
143.	Yamada, Edward Y.	2157 Liliha St., Honolulu
144.	Yamaguchi, Tokio	Waipahu, Oahu
145.	Yamamoto, George K.	931 Robello Lane, Honolulu
146.	Yamamoto, Joji	1326-B College Walk, Honolulu
147.	Yamamoto, Richard S.	515 Malanai Place, Honolulu
148.	Yamamoto, Satoki	Honokahua, Maui
149.	Yonagi, Glenn	478 Pau Lane, Honolulu
150.	Yasuda, Joseph K.	921-A Robello Lane, Honolulu
151.	Yempuku, Ralph T.	809 Laula Way, Honolulu
152.	Yokoyama, Kaname	Hanapepe, Kauai
153.	Yoshimasu, Masato	Paia, Maui
154.	Yoshimoto, Tsugio	971-B Robello Lane, Honolulu
155.	Zakimi, Saiji	Hakalau, Hawaii
156.	Zukemura, Richard H.	39-B Holt Lane, Honolulu

Petitioner's Exhibit M—(Continued)

Personnel—Roster of VVV Members—(Continued)

FORMER MEMBERS OF THE VVV

Name	Home Address
157. Chinen, Masahide	R.F.D. Box 24, Haiku, Maui
158. Fujitani, Yoshiaki	925 Kapaakea Lane, Honolulu
159. Honma, Tsuneo	National Park, Hawaii
160. Ikeda, Tadashi	c/o Waimea High School, Waimea, Kauai
161. Kimura, Kongo	c/o Pahoa School, Pahoa, Hawaii
162. Kogami, Toshiyuki	818 Dillingham Blvd., Honolulu
163. Komoto, Iro	1722 Liliha St., Honolulu
164. Komesu, Philip	1367 Miller St., Honolulu
165. Miyasaka, George	229 Iuli St., Honolulu
166. Kagihara, Allen	1726 Anapuni St., Honolulu
167. Taketa, Morris	1483 S. King St., Honolulu
168. Takemura, Tadashi	650 Laukapu St., Hilo, Hawaii
169. Yamaoka, Noboru	Hilo, Hawaii
Capt. Richard T. F. Lum.....	212 Koalele St., Honolulu
Lieut. Tommy Kaulukukui.....	1260-A Ekaha St., Honolulu
M/S William K. Jarrett.....	3350 Maunaloa Ave., Honolulu
M/S George P. Aikau.....	27 Malunui Ave., Coconut Grove, Kailua, Oahu

PERSONALITIES

Shiro Amioka, known to his mates as Cub, he was the toughest, the sweetest and the workingest little guy in the quarry gang. Always a big hit with the girls, he was the pride and joy of Hale Laulima.

Tsugio Aoki: "Pablo" was the biggest liar of Victory Hall. His lies were so good, he believed them himself. Baby-faced and cheerful, he never shirked in his work. Working with him was always a joy.

Fred Asano, who lived on and for gambling. Living by the grace of Lady Luck, "Johnny" was in the height of ecstasy one day or in the depth of

Petitioner's Exhibit M—(Continued)

misery the next. His toothless smile was a thing of beauty.

Daniel Betsui, quiet and assuming. Never a flat note in his singing, Danny was the singinest-guy in the VVV.

Richard Chinen, the bull of the kitchen. His menacing presence in the mess hall made even the worst GI beans taste decent. A swell guy in any man's opinion.

Wallace Doi, the problem child of Varsity Hall. Wally was the constant source of Ralph Yempuku's nightmares. He tried every trick to get out of work, but always never succeeded. His hobby was cleaning barracks.

Shuichi Hashizume: Hash was never a good poker player, but he was conscientious and charitable. He got drunk on one bottle of beer and always slept early..

Takao Hedani, who wanted to be called Mike. But he wasn't the type. Hedani was always a good worker, a good eater, and a good griper.

Warren Higa: More fat than brawn, slower than an ox cart, he was aptly named, "Blubber". He had a thundering voice, full of sound and phooey. He loved to mould himself into a chair, especially at work.

Edwin Honda, always a better worker than a talker. Eddie was full of good habits. He always bought a bond, was always up early, and always got sick.

Petitioner's Exhibit M—(Continued)

Edward Iha, the unsung hero of the kitchen crew. He looked fat and sloppy but he worked hard just the same. Mike was always there to hand the boys an extra helping.

Herbert Isonaga, born and bred a gentleman. He got rough, he got drunk, but he was always a gentleman. The boys all liked him, the girls more.

Robert Kadowaki, who knew every corner and every girl at Hale Aloha. Wacky was the undisputed leader of the wolf pack that haunted Hale Aloha on Sundays. Too bad he wasn't as good a worker as a lover.

Sukeyoshi Kushi who lived with his golf clubs. Goosie golfed every afternoon but he could never keep his waistline down. He drove the boys nuts with his phonograph but they all liked him for his industriousness and cheerfulness. He never had a girl but he always talked about them.

Joseph Matsunaga; Joe was all noise and no sense. His intentions were always better than his deeds. He loafed at every opportunity and worked only on his days off. Care free and humorous, he was nice to have around.

Roy Nakamine, the sleeping beauty of Victory Hall. He slept in the morning; he slept at work. He slept at noon. And he slept at night. He just slept.

Yoshio Okubô: "Rowdy" was never happy unless he was working or talking in his sleep. He hardly spoke a word at work and did his job cheerfully. But at night he was a terror. He cussed

Petitioner's Exhibit M—(Continued)

at everybody and sang, "Johnny Doughboy" all while sleeping.

Henry Oyasato, who had the thankless job of trying to keep busy in the office. He was always popular on Pay Day. Hank loved to worry and the boys' welfare came first with him. He was never grouchy and his hair was always in place.

Mitsuru Onaga: Poor David! His body outgrew his legs. He could never live down his shortness. Even Ralph called him Shorty. But David made up for the height he lacked with voluminous talking.

Kenneth Saruwatari, 170 pounds of belly and hot air. His favorite pastimes were bragging and playing poker, but he was never good at both. Saru could work when he wanted to, but he never wanted to. He was a good truck driver while he lasted, but he didn't last long. He loved to smoke, but he never carried his own cigarettes. Wherever he went, he never forgot to be himself—noisy, mischievous, bothersome, but nice.

Harry Tanaka, who took many baths but could never get the dirt off his face. "Nigger" was a paradox. He read the best books and he drank the worst liquor. He was the best orator and he used the vilest language at work. He was the hard-working foreman and an irresponsible rowdy. He was serious one moment corny the next. "Nigger" was just plain unpredictable.

Katsumasa Tomita, the paragon of goodness. Kats had his lighter moments but he was usually serious. He took his baking seriously. He took his

Petitioner's Exhibit M—(Continued)

reading seriously. And he took his girls seriously.

Unkei Uchima: "Five by five" Unkei was a mass of gentleness. Only on the football field did he utilize his massive physique. He was always ready with a kind word or a helping hand. Popular with his men, he worked the hardest and the longest.

Joso Uyetake, the tragicomic figure of Victory Hall. He made a sad picture trying so hard to make his hair behave. Jo tried everything from vitalis to axle grease to keep his hair down. He was always plugging.

Edward Watase, whose familiar sight as he limped off to sick call, was known to everybody. Funny how he used to get sick so conveniently. His lifelong ambition was to outbluff Wally Doi at poker. He did a good job of fooling Ralph though.

Ted Tsukiyama, whose New Year's resolution was to concentrate on one girl, but never quite succeeded. His wolfing expeditions were the talk of the camp. His chores were to talk about girls, talk to girls, and to be talked to about girls.

George Yamamoto, the human encyclopedia. He was so unobtrusive that no one realized how much he knew until he came out with some incredible knowledge. George was full of appropriate repartee and made a delightful companion.

Ralph Yempuku, who never scolded, never frowned, never said no and never overslept. Ralph's hobby was to get the boys out of bed. He loved big cigars like all other little guys.

Petitioner's Exhibit M—(Continued)

SLUMMING WITH THE 3V's

"Ta-ta-ta-ta!" The clear call of the regimental bugler heralds the break of another day. At that instant the buzzer in the barracks jangles noisily that it is 6:15 AM and time to get up. Gradually the barracks come to life. Squeaking of beds, clatter of shoes and slippers, mumbling of voices and music from radios begin to be heard.

Going to the washroom, the familiar sight greets the eyes: people waiting in line—sometimes three deep—to reach the wash basins. Breakfast is served at 6:30. Really G. I. at that! Nowhere else can one taste such coffee and bacon except in the Army. Making up the bunks—the first chore of the day for each member—is undertaken. Sloppy bunks, neat bunks—all express the person's personality. As a whole the bunks are well made.

The 7:30 assembly buzzer rings. People pour out from the three barracks, respectively named Varsity Hall, Victory Hall, and Volunteers Hall. Roll call is taken and whatever announcements there are to be made are given to the whole group at this time by Captain Richard Lum or Supervisor Ralph Yempuku. Work assignments are handed out and the group disperses to the various jobs—some to Kunia, others to the 3W road project, and others to the Engineer DP.

A shrill whistle announces that it is 11:45 and time to go back for lunch. The lunch buzzer rings precisely at 12 noon. What's on the menu today?

Petitioner's Exhibit M—(Continued)

The boys are so hungry they are ready to eat anything. Pork and beans—the Army's delicacy greets their eyes. The boys fall to with vigor. For the next 15 minutes or so, the silence is unbroken except by the clatter of plates, knives, and forks. Gradually conversation is heard. Somebody tells the latest rumor he has heard. The next person questions it or adds to it. A joke—laughter. The scene is like any gathering of healthy young boys enjoying life.

A truck takes lunch out to boys working on the road. Passing a steam roller on the road one receives a hearty smile from the operator. With that vacancy in his mouth he looks just like "Jack O'Lantern" Yasuda. He is James Nishimura who recently made a trip to the regimental dentist and was scared out of his wits when the lieutenant asked the captain how to pull his tooth. Passing a gang spreading rocks on the road one goes further and sees a group of boys here and another further on laying culverts and building headwalls. The lunch wagon is always a welcome sign for these boys.

Exactly 4:30—the boys come home. Half an hour until supper is served. Showers start going full blast; wash basins are overcrowded. Mailman Yoshiharu Mikami comes around with missives for the lucky ones. Again he shouts, "Kikuji Himeda. Letter for you!"

Yum! Yum; Chicken a la king for supper. The hungry boys fall to with eagerness at the store array.

Petitioner's Exhibit M—(Continued)

great quantities for food in a short period of time. The way the food is downed gladdens the heart of any good cook.

"Orchestra Wives" starring George Montgomery, Ann Rutherford, and Glenn Miller's band is playing at the Post Theatre 4 at 5:30. After finishing supper boys with gas masks can be seen hurrying to the show.

Other boys play basketball in the inter-barracks tournament. The passing and shooting combination of Claude Takekawa and Joe Okumoto of the Volunteers Hawks draws acclaim. Other boys play golf on the neighboring golf course. The drives and putting of Sukeyoshi Kushi, 1942 Maui champion, serve as models for golf enthusiasts like Grover Nagaji and Ted Tsukiyama. Taking a peek into the bar-bell room one may see Akira Hashimoto, Akio Nishikawa, and Ranceford Matsumoto building up their muscles.

Twilight and gradually evening creeps on. Lights from unblackened out barracks go out one by one until no lights are seen after 7 PM. People crowd into the reading rooms—some to read magazines and books; others to play friendly games of poker. Quite a number of boys can be seen in Boomtown—an amusement center for the 34th Engineers—playing billiard, ping pong, and African golf. Cold drinks are served there every night.

As the short hand creeps around the clock, the squeaking of beds and finally only the soft breathing of sleepers can be heard. Another day has gone by

Petitioner's Exhibit M—(Continued)

and the VVV faces the morrow with anticipation—to do their best, come what may.

ACTIVITIES

The intent of the VVV being to produce for the winning of the war, the first concern of the group was the work that lay ahead. Starting with the building of prefabricated houses, its first major project, the group has laid by within a period of one year, the following record of achievements: Six warehouses, large and small, and a large repair shop built; several miles of barbed wire strung; tons of rock quarried; numerous cabinet shop articles such as chairs, desks, tables, lamps, blackboards, bulletin boards, mess hall articles, trophy cases, and recreational facilities produced and being produced; a road job completed, two new roads under construction; and odd jobs continually engaged in, such as barracks maintenance and general construction and repair. Under the latter head came such jobs as building a washing ramp, renovation Regimental Headquarters, the Regimental Supply Office and Officers' Quarters, building a reviewing stand and blacking out the Post Bowl. The above, though brief, represents forty-eight hours spent per week for a period of one year and constitutes the major activity of the VVV.

Foremost in popularity and participation among recreational activities was Sports. Sports in the VVV was divided into the following classes to encourage as much participation as possible by the

Petitioner's Exhibit M—(Continued)

group: Inter-Barracks competition; Intra-Regimental competition; Regimental teams and the VVV teams.

At the half-year celebration medals and trophies were awarded to VVV member for outstanding participation in sports. The Varsity Hall Tigers won the team championship. Hiroichi Tomita, Stanley Watanabe, and Seichi Ono received medals for individual competitive ability.

With the advent of the football season, the VVV organized two teams, one to enter the Citywide League 135 lb. barefoot league, and the other, unlimited in weight, to take all comers for the sheer love of the game. The two teams, both of them coached by Lt. Tommy Kaulukukui, gave a very good account of themselves, the 135 lb. team finishing with three wins against two losses, and the unlimited team breezing through its schedule undefeated. Besides winning several minor skirmishes, the unlimited team laid away a record of a 12-6 win over the Governors of Farrington High School and a 13-0 victory over the Rough Riders of Roosevelt High—both members of the Honolulu Inter-scholastic Conference. The 135 lb. team went through its 1942 season in the following manner:

Sept. 19	Diamond Packers	12	VVV	0
	(a pre-season game)			
Oct. 4	Waialae	6	VVV	7
Oct. 11	Moiliili	0	VVV	13
Oct. 24	Diamond Packers	13	VVV	0
Oct. 31	Sheridan A. C.	13	VVV	0
Nov. 15	Nalo O Maumau	0	VVV	21
Jan. 1	Chow Hounds	0	VVV	27
	(in the Pineapple Bowl)			

Petitioner's Exhibit M—(Continued)

Elated with the successful conclusion of a tough season which was topped by a brilliant victory over the Chow Hounds from the 47th Engineers in the opener of the New Year's doubleheader, and having been infested with spirit of competition, the VVV entered a team in the American Division of the Post Basketball League.

The VVV has thus far won five games and lost three.

Engineer Red Men.....	12	VVV.....	53
Signal Corps Hawkeyes.....	25	VVV.....	22
Engineer Volcanoes.....	18	VVV.....	43
Q. M. C. Aces.....	20	VVV.....	41
Ordnance Tarheels.....	18	VVV.....	39
Hq. Braintrusts.....	38	VVV.....	28
Brown Bombers.....	17	VVV.....	49
Infantry Wheelmen.....	29	VVV.....	27

Overshadowed by sports, but none the less fully participated in and enjoyed, were social activities such as community sing, glee club, indoor games, movies, and dances which served to acquaint members with one another.

Monthly dances for VVV members and their guests were held on Sunday afternoons in Hemenway Hall on the campus of the University of Hawaii. These were informal dances to which residents of Hale Aloha and Hale Laulima—University women's dormitories—were invited. These affairs were planned and sponsored by the members to fill a need for social activities during the week-ends.

Petitioner's Exhibit M—(Continued)

Hale Laulima, in turn, staged several Saturday night socials to which VVV members were invited.

Life in the VVV was by no means confined to athletics and social activities. The members of the VVV being predominantly from the University, intellectual activities were shown a lot of interest. Coming first on the list of such activities were the extension courses which were offered the VVV members by the University of Hawaii. Four such courses were taken and completed. They were Post-war Worlds—a course in political science; Religion and Literature; Mathematics; and Physical Education.

Required by the Army were lectures and instruction on first aid and on gas warfare. These the VVV learned with keen interest. The lectures were delivered intermittently by members of the medical staff and dealt with fractures, hemorrhage, shock, and their treatment. The description and detection of poisonous gases were taught the VVV through lectures and movie film.

Other phases of activities were model airplane construction and the maintenance of a Victory garden.

HIGHLIGHTS

Reminiscing during idle moments, VVV men will recall the many memorable experiences they have had during the past year in service. In their minds, members will experience anew their outstanding achievements. No one will find it difficult to place outstanding events in a cozy nook of his cranium to be brought out during his "pipe and chair" age.

Petitioner's Exhibit M—(Continued)

The prick of a needle will doubtlessly flash back and bring recollections of the trips made to the blood bank. Three times during the past year, the VVV's made a call at the bank, each man giving from 350 to 500 cc. of precious blood each time. Some went to escape from work for the day and the meal that came after the operation, but the great majority went because they wanted to do their bit for a worthy cause.

While not outstanding, for everybody seems to be doing it, the VVV is nevertheless, proud of its bond parade. Every month, the members of the VVV sank a sizeable sum in war bonds ranging in denominations from \$25 to \$125. As of January, 1943, the VVV showed a record of \$27,850 worth of bonds bought in a period of ten months beginning in April, 1942.

Serving on an entirely voluntary basis and without pay, Masato Doi and Tamotsu Ono acted as supervisors for the Junior Victory Brigade during a six-week period in the summer of 1942. The Brigade, composed of young boys between the ages of 12 and 15, was organized to aid in the war effort. With capable Doi and Ono at the helm, the Brigade had a successful campaign during the summer.

Harry Tanaka won the Annual Bernda Extemporaneous Speaking Contest on May 21 at the University of Hawaii speaking on the "Preservation of Free Speech." Tanaka also copped the VVV First Annual Oratorical Contest on July 16, speaking on "The Road Ahead" as being one

Petitioner's Exhibit M—(Continued)

"Drenched with blood, sweat and tears." Grover Nagaji took second place in the open division. On the same night, Hiroshi Minami convinced the judges that he was the best orator in the novice division with his talk on "Physical Fitness for Victory." Trailing him were two fellow members of the Quarry Gang, Ryoji Namba and Richard Uye-mura. The first place winners of both divisions received \$25 war bonds as their prizes.

In the literary field, Masato Doi distinguished himself when he received honorable mention in the Charles Eugene Banks Literary Contest held at the University of Hawaii. Doi's entry was a letter entitled "Frankie."

Kenichi Uyeda ran off with the grand prize in the Slogan Contest held in May, 1942, by the Morale Committee. His winning slogan was: "Work up a sweat, and the Sun will set." Stanley Kimura's "Cleanliness leads to Healthiness" won for him a prize while Walter Iwasai's "Let not our efforts be in vain" was adjudged the best for general use.

When it came to celebrating occasions, the VVV's went all-out for a good time. The first big blow-up came on August 22, 1942, after six months of hard work when everyone took time off to celebrate the half-year anniversary of the organization with a big luau staged at the University of Hawaii amphitheater. Many distinguished guests were present that day representing the Army, University of Hawaii and the community. A dance on the follow-

Petitioner's Exhibit M—(Continued)

ing day at Hemenway Hall wound up the festivities for the occasion.

Luaus seem to be the Triple V's favorite way of celebrating, for another one headlined the Christmas feast in the mess hall. Through the generosity of George Higa, proprietor of the Honolulu Cafe, delectable Hawaiian dishes were enjoyed by the members and their guests. Christmas felt like the Christmas of old that night with appropriate decorations adorning the mess hall, carols ringing out from many voices, and the spirit of giving manifested through a grab-bag.

LETTERS

I think something like this may do as a message to the VVV's on their first anniversary. It is not long, but it is heartfelt.

V.V.V.—The Most Honored Initials in Hawaii!

These initials stand for a way of meeting a serious crisis, and that way will redound to the credit of all Americans. The Varsity Victory Volunteers and their wholehearted effort represent more than a mere episode in our history; they represent the high quality of our civilization. Let the ringing words of praise by General Emmons stand for Hawaii's appreciation of these Americans.

With all good wishes,

Sincerely yours,

Signed:

GREGG M. SINCLAIR

President (U. of H.)

Petitioner's Exhibit M—(Continued)

To the Varsity Volunteers:

Much has happened since we met on the steps of Hawaii Hall and you began your service to our country as an organized unit. It was not the kind of service which you would have preferred to give, but it was service of a kind which you could give and it was needed. You have carried on through your first year with the same spirit of loyalty which was the basis for your offer to serve in whatever way the Commanding General could use your help. You have held fast to your ideals. You have made an outstanding record and have won the respect and admirations of many who were doubtful of the stand which you citizens of Japanese ancestry would take. You have fully justified the confidence of those of us who knew that you are as loyal as any other citizens of different racial descents. I am proud of what you have done.

To you all I send my congratulations and aloha!

Signed: C. R. HEMENWAY

January 23, 1943

Varsity Victory Volunteers

34th Engineers Regiment

A.F.O. 957

Gentlemen:

In the year that has passed, the VVV's have amply demonstrated their loyalty and devotion to their country and to their fellow Americans by their cheerful and enthusiastic performance of the duties entrusted to them. They are rendering a val-

Petitioner's Exhibit M--(Continued)

uable and honorable service which is all the more difficult because it lacks the glamor and excitement of combat.

Because of the sacrifices made and the high spirit maintained in the performance of their every day tasks, the VVV's have made many friends and have provided a shining example for all of us. I know they will carry on with constantly improving efficiency and the same high morale until the war is won.

Good luck VVV's!

Sincerely yours,

Signed: L. A. HICKS

January 30, 1943

To: All Members of the Varsity Victory Volunteers

Approximately a year ago I had the rare opportunity of becoming associated with you all in the capacity of being your Commanding Officer. With this assignment, came the responsibility of your conduct and behavior, performance and actions as well as the remunerations for your voluntary services. During this short span of one year, I've had daily contacts with all of you and can truly say that you have more than demonstrated your loyalty, love and devotion to your country, the United States of America.

You have met a challenge, your achievements no doubt have ultimately resulted in a very recent change in policy by the War Department towards all Americans of Japanese descent illuminating

Petitioner's Exhibit M—(Continued)

their outlook by enormous proportions. It is my great pleasure to congratulate you.

Now we have reached a point where the armed forces have a more urgent need for your voluntary services. This is essential in bringing forth a speedier victory for our United Nations.

On the occasion of the inactivation of your organization, the Varsity Victory Volunteers, after which all of you will make an important decision, it is my chief desire that you shall have a free course and full support in your embarkation. The "rudder" is in your charge—God Speed the Ship!
ALOHA AND GOOD LUCK.

RICHARD T. F. LUM

Captain 34th Engineers

A.P.O. 957

After more than 11 months of service with the Army Engineers the Varsity Victory Volunteers were inactivated on January 31, 1943.

The demobilization was requested by members of the VVV who asked to be released in order that they may enlist for service in the United States Army with the American-Japanese combat unit.

In Appreciation for Their Contribution

For their written material:

Shiro Amioka

Herbert Isonaga

Grover Nagaji

Petitioner's Exhibit M—(Continued)

Shoso Kagawa
Walter Goto
Katsumasa Tomita
Ted Tsukiyama
Henry Oyasato
Wilfred Mita
Shigemitsu Nakashima
Kaname Takemoto

For the use of their snapshots:

Calvin Tottori
Clarence Hamaishi
Roy Kobayashi
Ted Tsukiyama
The Honolulu Advertiser
John Onodera
Walter Iwasa
Henry Oyasato
Katsumasa Tomita
The Hawaii Times

For typing and proofreading:

Edward Okazaki
Wilfred Mita
Allen Yamada
Shigemitsu Nakashima

For page make-up and lay-out:

Junichi Buto

For printing and publishing:

Tongg Publishing Company

YUTAKA NAKAHATA

The Editor

[Endorsed]: Filed 4-20-44.

PETITIONER'S EXHIBIT "N-1"

Nimitz In Tribute To Isle Citizens

(Following is the text of an address given by Admiral Chester W. Nimitz commander in chief of the Pacific fleet and Pacific ocean area, during ceremonies in the legislature at 10 this morning on the occasion of restoration of civil rights to Hawaii.)

It is a distinct privilege to have this opportunity of expressing to the citizens of this community, through their legislative representatives, my admiration and appreciation of their cooperation and participation with the military and naval authorities in the war effort to date.

It is true that such cooperation and acceptance of military government has not been without considerable personal inconveniences and curtailment of the normal way of life, but I am pleased to observe that such deprivations have been cheerfully met.

The selection of Gen. Emmons as the military governor was a fortunate choice.

* * *

I am sure that the harmonious relations which have existed can be attributed equally to his wise administration and to the hearty cooperation of the citizens.

I am confident that the same harmonious relations will continue under the new arrangement which becomes effective today.

During the past year this citadel in the Pacific

has been greatly strengthened, which is in keeping with its importance.

However, in spite of this defensive strengthening, and in spite of our successes against the enemy, he still has the capacity to attempt a destructive raid against our installations should he be willing to accept the risk.

For this reason it is unwise to relax our precautions, which include the blackout.

* * *

On behalf of the officers and men of the various services in this area I thank the citizens of this community for their friendly courtesy and traditional hospitality which has played an important part in the maintenance of high morale.

Star-Bulletin

[Endorsed]: Filed 4-20-44.

PETITIONER'S EXHIBIT "N-2"

Hawaii Now Safe Against
Invasion, Says Gen. Emmons

By Frank H. Bartholomew

(Note: Mr. Bartholomew is vice president and Pacific division manager of the United Press Associations, one of the world's two greatest news gathering and distributing organizations. He is in Honolulu on a mission of inspection of U. P. facilities and operations.)

[Stamped] Jan. 1, 1943

Honolulu, Jan. 1. (UP)—Hawaii, safe today under the protecting guns of one of the greatest fortresses on earth against any invasion the Japanese currently may be able to organize, is being steadily strengthened against a possible climactic battle within the next few years, Lt. Gen. Delos C. Emmons, commander of the Hawaiian department, told the United Press last night.

Gen. Emmons, 54 year old-West Virginian, is the man who in a short year's time since inheriting the wreckage of the army's air installations at Hickam, Wheeler and Bellows fields, has converted the island of Oahu into what probably is the strongest fortified point on the globe, and certainly the newest and most modern militarily.

This correspondent, permitted to tour certain of the island's new defense installations which may not be reported detailedly, observed engineering and construction feats completed or well underway on a three shift basis which border on the miraculous in ingenuity, magnitude and speed of construction.

Engineer officers said Gen. Emmons himself was the spark plug of the job in the field as well as in guarded offices where the original plans were worked out.

Gen. Emmons and his car are all over the island of Oahu. He wants to see everything himself at first hand. Each project and unit is frequently checked and improvements ordered as opportunities occur.

Progress Noted

"We are well along on new military installations," Gen. Emmons said. "Almost all the requirements of the airforce, sea coast artillery, field artillery, infantry and service of supply should be finished shortly.

"We have quite a little farther to go with housing for troops all over the island; that job now is about half done. Men currently housed in shacks and plantation buildings which we took over and in tents will be supplied with modern field housing.

"After that, we have the job of rebuilding Hawaii's public roads which our heavy-equipment is punishing severely in the present high speed construction work. We require our 18-ton dump trucks to maintain a speed of 35 miles an hour, quite a workout for roadways as well as equipment.

"Concurrently, there will be an enlargement and improvement of Honolulu's port facilities to accommodate more shipping and speed up handling of cargo."

The fortress of Oahu is, Gen. Emmons said, now able, in conjunction with the navy, to defend Hawaii against any invasion attempt the Japanese at this time are likely able to muster.

The possibility of a hit and run raid is excepted, since this sort of foray may be tried any time the enemy is willing to pay the price which would be high.

"The strategic importance of Oahu for the west coasts of North and Central America and the Panama canal is very great and both sides are well

aware of it," Gen. Emmons said. "In order to get at the mainland, the Japanese must first capture the Hawaiian islands, and in order to do that, they must first take Oahu.

"So we are building here for an eventual showdown battle with the Japanese, if in the years to come they are able to mass a force sufficient for an invasion attempt. We are building well because this island must and will be held at all costs."

Japanese Losses Noted

Commenting on the quality of enemy aviation, Gen. Emmons noted that the loss of at least 2,000 Japanese naval fliers materially reduced the efficiency of the enemy's fleet air arm; that the recent increase in flying performance of the enemy in some areas indicated he has been forced to draw from the army air corps to replace lost naval fliers and planes.

Thus far, Gen. Emmons said, the Japanese army air corps has been principally concerned with defense of Japan and Manchuria.

"Right now, the Japs seem primarily interested in building up a strong outpost line, consolidating gains throughout the Orient and Dutch Indies, and working on development and transport of oil and rubber supplies they have gained," the general said. "Fortunately, they keep coming out of their protective shell to offer us targets in the south and southwest Pacific, and each time such an invitation is extended, our navy has accepted with alacrity and splendid results.

"The navy has closed with the enemy on every

possible occasion. In continuous pressure against Jap supply lines, it is estimated that we have sunk enough shipping to seriously cramp enemy activities.

"The army, too, reaches out for a crack against the Jap whenever the opportunity offers, and past events have proven it has done so with great success."

Airfields Developed

In connection with long range bombing, current and future, he said Hawaiian airfields are being developed with an eye to still larger planes which will be delivered to the bomber command in the years to come.

"We will carry the war to Japan," Gen. Emmons concluded. "It will take time, but it will be done and in sufficient force. We are aware of our vital responsibilities to the territory and to the United States mainland on both offense and defense."

Star-Bulletin

[Endorsed]: Filed 4-20-44.

PETITIONER'S EXHIBIT "N-3"

Nimitz Sees Different Pearl Harbor Picture

By Charles McMurtry

[Stamped]: Dec. 7, 1943.

Pearl Harbor, Dec. 7. (AP)—Admiral Chester W. Nimitz, sat quietly alone in his office overlooking Pearl Harbor today, awaiting additional reports of the navy's latest strikes in the Marshall islands.

The commander in chief of the Pacific fleet appeared calm—as always—but time must have passed slowly. Carrier task forces, such as sent scores of planes raining bombs on Japanese strongly held central Pacific bases, can not break radio silence in danger zones, even to inform their admiral of their successes.

Nothing more yet has been made public than yesterday's brief communique stating only that the Marshalls were raided. That virtually is all the admiral himself knew.

But Admiral Nimitz could sit back between necessary interruptions by staff members and visualize the great force of carriers and escorting warships he had sent to bombard the Marshalls.

From his bomb-proof headquarters constructed since Pearl Harbor, he had seen most, if not all, of those ships pass within his view in recent months. Most of them also were built since Pearl Harbor and probably all of them participated in the recent raid on Marcus, Nauru, Tarawa, Wake and in the assault and capture of the Gilberts less than three weeks ago.

They were carrying out his Armistice Day declaration, "Our time has come to attack . . . The Jap has dug himself in. We must land and dig him out."

The admiral could look out over the harbor and see evidence of the navy's growing strength. Whether he could see the ships, of course, is censorable. But there were other evidences of increasing power—repair and construction facilities—

mushrooming workshops, barracks and many more, all unreportable.

Two years ago anyone looking over the harbor could see only the wreckage of warships, destroyers and other craft destroyed and damaged by the Japanese attack.

Huge clouds of black smoke from oil fires rose from the harbor. Nearby at Hickam field and John Rodgers airport wrecked planes strewed the runway. Hangars and barracks were damaged by bombs.

Other installations over the island of Oahu similarly showed evidences of the attack. Wounded overflowed hospitals, emergency wards, the armory and other buildings.

Today the picture looked bright, with the United States on the offensive.

Lt. Gen. Robert C. Richardson Jr., commanding general, central Pacific, recently warned another sneak attack is possible. Confidence prevails, however, it would be repulsed without too great damage, if it should come.—Star-Bulletin.

Nimitz Planning Blows In Pacific

[Stamped]: Jun 7 1943

Berkeley, Cal., June 7. (AP) — The Pacific fleet is being steadily reinforced and will reach formidable proportions by the end of this year, said Admiral Chester W. Nimitz, commander in chief of the Pacific fleet, who is on the mainland to confer on new offensive moves against the Japanese. Admiral Nimitz disclosed his presence on the main-

land Sunday in a surprise appearance at the University of California commencement exercises at which he was awarded an honorary LL.D. degree.

Speaking to the university alumni Admiral Nimitz explained "much as I desire to be here I couldn't have left my post unless I had a job to do. I'm happy commencement day coincided with the conference which I am called to attend—a conference which isn't particularly solicitous as to the welfare of Hirohito and which I hope will carry trouble to the Japanese."

He didn't amplify his statement.

The admiral denied supplies for the Pacific war were being neglected, announcing "by the end of the year our planes and ships in the Pacific will represent a very formidable force. We really are getting our share of war material."

Although he asserted the Japanese are on the defensive and "time is working for us now," Admiral Nimitz warned "we must do everything in our power to aid China because we must use bases in China to attack Japan. . . . We are turning out planes and ships faster than Japan can. It's simple arithmetic—subtraction for them and addition for us."

He pointed out that Japan has made no serious threat to the Pacific coast since Midway a year ago but cautioned the Japanese "are still capable of doing great damage."—*Star-Bulletin*.

[Endorsed]: Filed 4-20-44.

PETITIONER'S EXHIBIT "N-4"

New Type of U. S. Offensive Is Promised!

Nauru Won't Stay Japanese Long, Says Halsey
Staff Chief

By Frank Tremaine

Headquarters, South Pacific Force, Jan. 27. (U.P.)—Rabaul and Kavieng, with their estimated 100,000 men—next Japanese bases on the United States' list in the south Pacific—will be eliminated with something new from Admiral William F. Halsey's bag of offensive tricks, Rear Admiral Robert B. Carney, south Pacific chief of staff, indicated today.

Admiral Carney also hinted that the Japanese will not be permitted to occupy Nauru island for long. Nauru is the enemy's only useable base between the south Pacific and central Pacific areas.

Aggressive, energetic Admiral Carney, whose balding head belies his youthfulness, pointed out that Bougainville and Buka are already useless to the Japanese and that United States planes and carriers have proved they can hit the enemy at Rabaul "any damn time we want."

"The next two obvious points of Japanese strength are Rabaul and Kavieng," Admiral Carney said.

* * *

"It is perfectly evident to everyone that the south Pacific and southwest Pacific forces are pushing along toward eliminating those bases. They are next on the list.

"We plan to put them out of business.

"But just how we will do it will be something the enemy least expects. It won't be in accordance with any familiar pattern."

Admiral Carney said that aerial observation of Rabaul and Kavieng indicates that the Japanese already have lost all confidence in their ability to use them for anything of great value.

* * *

"He knows his number is up," the admiral said. "We have proved we can hit him exactly when and where we want. By coordinating our forces, air and sea, we will blockade New Britain and New Ireland forces—which may total 100,000 men.—Star-Bulletin, 1-27-44

[Endorsed]: Filed 4-20-44.

PETITIONER'S EXHIBIT "N-5"

100,000 Japs Face Annihilation In New
South Pacific Moves

By Frank Tremaine

(United Press Staff Correspondent)

South Pacific Headquarters, Jan. 18—New tactics from Admiral William F. Halsey, bag of tricks will be used to "eliminate" Rabaul in New Britain and Kavieng in New Ireland and with them 100,000 Japs, Rear Admiral Robert Carney, South Pacific chief of staff, predicted tonight.

Carney pointed out that Bougainville and Buka already are useless to the Japs, and said offensives

against Rabaul and Kavieng—"the next Jap base on the U. S. list"—would put them "out of business, but just how we'll do it will be something the enemy least expects. It won't be in accordance with any familiar pattern."

Japs Know Number Is Up

Carney said air observation of Rabaul and Kavieng indicates the Japs already have lost all confidence in their ability to use them for anything of great value.

"The Jap knows his number is up," Carney said. "We've proved we can hit him exactly when and where we want. By coordinating our forces in the air and at sea, we will blockade New Britain and New Ireland and their forces, which may run above 100,000 men."

Carney also indicated Nauru may soon be wrested from the Japanese. Referring to the South Pacific and Central Pacific offensives, which spread an arc from the Gilberts to the Solomons, Carney said:

"The Jap still holds Nauru, and it is illogical to expect us to permit him to occupy this salient much longer."—Advertiser 1-19-44

[Endorsed]: Filed 4-20-44.

PETITIONER'S EXHIBIT "N-6"

U.S. Casualties In Invasion Of Marshalls
Held Moderate

By Sandor S. Klein

(United Press Staff Correspondent)

Washington, Feb. 3—American forces in the Marshall Islands are meeting heavy resistance, but the casualties thus far have been moderate, Undersecretary of War Robert Patterson said today.

"Fighting is continuing," Patterson told a press conference.

"Our troops are making excellent progress. Preliminary reports show fine coordination between land, sea and air forces—which is the outstanding characteristic of our amphibious operations."

Positions Secure

Patterson said that the position of marine forces on Roi and Namur islands now appeared to be secure while the 7th Army division was proceeding with the occupation of Kwajalein.

"Occupation of the Marshalls will widen the crack in Japan's outer defense ring," he said.

"When it is completed it will shorten the line of supply and communications with the Southwest and South Pacific and make it possible for us to deploy our forces so they can attack the inner defenses of enemy territory.

"The crack in the outer defense wall may become the breach through which we can advance to the Philippines or Tokyo."

Patterson said that invasion details were still awaited in Washington.

Fleet Not Challenged

He noted that the Japanese had not yet challenged the U. S. fleet, although they had plenty of opportunity to do so.

He pointed out that in attacking Kwajalein atoll United States forces bypassed Wotje, Maloelap, Mille and Jaluit just as Kiska was bypassed when Attu was occupied.

"As we advance in the Pacific we will secure our western defenses," he said. "These islands will provide a defense barrier 2,000 miles to the west of the former outer defense of Hawaii."—Advertiser 2-4-44

[Endorsed]: Filed 4-20-44.

PETITIONER'S EXHIBIT "O"

Honolulu, T. H.

10 April 1944

Memorandum to Colonel Wm. R. C. Morrison

Subject: Information requested by Court and Opposing Counsel relative to Japanese.

1. Actual Number of American Citizens of Japanese Ancestry Now in the United States Army Who Were Inducted or Volunteered in the Territory of Hawaii.

Lt. Col. Henry Best, Deputy Director of Selective

Service, advised that there were now 5,226 citizens of Japanese ancestry serving in the United States Army who were inducted or volunteered during the period commencing December, 1940 and extending up to the present date.

2. Actual Number of Casualties in American Citizens of Japanese Ancestry Serving With American Forces Who Were Inducted or Volunteered From the Territory of Hawaii.

Selective Service officials and Military Intelligence officials state that although several of the AJAs have been killed in action in Italy, the exact number is not available at the present time in the Territory of Hawaii.

3. Total Number of Japanese Evacuated from the Territory of Hawaii from December 7, 1941 to the Present Date.

1,747. (This figure can be broken down to show AJAs, Aliens and families of these two groups).

4. Total Number of Japanese Interned in the Territory of Hawaii from December 7, 1941 to the Present Date.

1,396. (This figure can be broken down as to Japanese Aliens and citizens of Japanese ancestry, if desired).

5. Total Number of Japanese Interned During the First Quarter of 1944.

96. Total number interned during March, 1944—
41. (These figures can be broken down as to Aliens and American citizens of Japanese ancestry, if desired.)

6. Total Number of Internee Cases, That Is the Total Number of Japanese of All Classes Which Have Been Considered for Custodial Detention, Investigated or Otherwise Handled by the Military Intelligence Agencies in This Area.

50,000.

7. Were Citizens of Japanese Ancestry Who Volunteered Recently for Military Service Asked Question of Whether They Were Dual Citizens?

Lt. Col. Henry Best, Deputy Director of Selective Service states that all of the volunteers in this group executed Form 304-A Revised which included, among other questions, the following:

"25. To the best of your knowledge, was your birth ever registered with any Japanese governmental agency for the purpose of establishing a claim to Japanese citizenship?.....

"(a) If so registered, have you applied for cancellation of such registration? (Expatriation) Yes or No.
When? Where?

(Col. Best also advised that no statistics were kept relative to the number of volunteers that were dual citizens and to obtain this information it will be necessary to pull all of the individual files located in the several local boards throughout the Territory.)

8. Ascertain Full Facts Relative to Actual Work Assigned to Petitioner Lloyd C. Duncan Subsequent to His Incarceration in the City and County Jail.

Lieut. Jules Sachson, 810th M.P. Company, Immigration Station, Honolulu, T.H., stated that he was in charge of the prisoners that were sent to the 810th M.P. Company from the City and County Jail. That they were assigned work under his supervision. He stated that Lloyd C. Duncan first appeared on the Company's records on March 3, 1944 and was assigned to work in the Supply Room; that he worked in the Supply Room from the 3d of March through the 13th of March; that the Company's records did not show that Duncan was working at the 810th M.P. Company on the 14th of March. He stated, however, that on this day he had sent 4 other Provost Court prisoners to Kaneohe to work on a cesspool project which had been previously commenced by the Army.

He stated that on the 15th of March Duncan was sent to Kaneohe along with a work detail and that his sergeant advised him that Duncan refused to go into the hole and work and was given other work near that project. That Duncan returned to Kaneohe on the 17th and 18th of March 1944. That Duncan worked around the 810th P.M. Company on Sunday, March 19, and that on Monday, March 20, he was not sent down by the City and County Jail officials for work.

Further that Duncan worked on the 21st, 22nd, 23rd, and 24th around the 810th M.P. Company at the Immigration Station. That on the 25th of March 1944, he was sent back to Kaneohe; that on the 26th of March he worked at the 810th M.P. Company, Immigration Station, Honolulu. That

on March 27th and 28th he worked at Kaneohe on the cesspool project, and on the 29th and 30th Duncan worked at the Halekai Officers' Club at Waikiki.

That his records did not show that Duncan worked under his supervision any time subsequent to March 30, 1944.

Lieut. Sachson stated that he did not know the petitioner in this case and certainly did not know he had filed application for a Writ of Habeas Corpus; further, that Duncan was assigned along with other prisoners to the work that had to be done and was not discriminated against in any manner. Lt. Sachson stated that when the prisoners come down from the City and County Jail, that he is not advised whether or not they will do hard labor or light work; that his only instructions were to put them to work.

9. The Number of Japanese Employed on Military Reservations, Installations and Military and Naval Projects, Territory of Hawaii, Including Used Employees, Etc.

Army projects—total number of employees 27,497

American citizens of Japanese ancestry . . . 6,778

Aliens of Japanese ancestry . . . 743

(These figures may be slightly off, but they are the best estimate that could be obtained on such short notice)

Navy projects—Byrne Construction Company (Handles construction for United States Navy outside of Pearl Harbor proper)

Total number of employees.....2,000
Amer. citizens of Japanese ancestry..... 585
Aliens of Japanese ancestry..... none

ANGUS M. TAYLOR, JR.

1st Lieut., CAC,

[Endorsed]: Filed 4-20-44.

PETITIONER'S EXHIBIT "P"

SUMMARY OF PERSONS ARRESTED AND CONVICTED IN THE PROVOST COURT
CITY & COUNTY OF HONOLULU—CALENDAR YEAR 1942

Compiled by the Bureau of Crime Statistics & Identification

Territory of Hawaii

Subject	Total	January	February	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Number of Persons arrested.....	22,480	2413	280	200	3217	2776	2501	3295	2801	1252	1472	1454	819
Type of Offenses:													
General Order Viol.....	11,886	1057	114	125	1496	1249	1214	1787	1305	700	1174	1156	509
Terr. Law ".....	7,615	736	98	61	1052	1054	1034	1227	1257	476	220	204	196
County Ord'n'ee. ".....	2,703	617	66	13	620	441	218	234	213	58	55	79	89
Federal Violation.....	276	3	2	1	49	32	35	47	26	18	23	15	25
Total.....	22,480	2413	280	200	3217	2776	2501	3295	2801	1252	1472	1454	819
Dispositions:													
Jail.....	124	91	1	0	7	5	7	5	4	4	0	0	0
Prison.....	719	10	12	1	37	54	81	108	186	74	85	33	38
Institutions.....	26	18	0	0	1	2	1	0	3	0	1	0	0
Fined.....	16,898	1767	226	183	2632	2112	1862	2489	2185	1101	842	817	682
Bail Forfeitures.....	1,439	53	11	1	35	44	27	96	34	40	510	586	2
Suspended:													
Fine.....	1,871	117	8	7	259	293	390	445	309	10	8	7	18
Suspended Sentence.....	388	50	8	0	131	170	15	14	0	0	2	0	0
Suspended—Jail.....	87	81	1	0	1	0	0	0	2	0	2	0	0
Suspended—Prison.....	557	18	2	4	97	71	67	120	62	17	18	11	70
Dismissed.....	359	198	13	4	17	25	51	18	16	6	4	0	7
Other Disposition.....	12	10	0	0	0	0	0	0	0	0	0	0	2
Total.....	22,480	2413	280	200	3217	2776	2501	3295	2801	1252	1472	1454	819
Fines Collect. & Imposed.....	\$532,539.50	21,906.50	38,903.00	92,631.00	64,246.	61,592.	40,881.	48,366.	49,037.	38,607.	28,750.	26,842.	21,138.00
Bail Forfeit. Collect.....	13,927.00	412.00	215.00	270.00	620.	705.	495.	2,160.	1,215.	475.	2,980.	4,380.	10.00
Total.....	\$546,476.50	22,318.50	39,118.00	92,901.00	64,866.	62,297.	41,376.	50,526.	50,252.	39,082.	31,730.	30,862.	21,148.00

Petitioner's Exhibit "P"—(Continued)

PERSONS ARRESTED AND CONVICTED IN THE
PROVOST COURT

CITY & COUNTY OF HONOLULU

for the Month of January, 1942

Number of Persons Arrested 2,413

Type of Offenses:

General Order Violations.....	1,057
Terr. Law	736
County Ord'n.	617
Federal	3

Dispositions 2,413

Jail	91
Prison	10
Institutions	18

Fine	1,767
Bail Forfeitures	53

Suspended:

Fine	117
Suspended Sentence	50
Jail	81
Prison	18
Dismissed	198
Other Disposition	10

Total Fines Collected \$22,318.50

Fines	\$21,906.50
Bail Forfeitures	412.00

Petitioner's Exhibit "P"—(Continued)

PERSONS ARRESTED AND CONVICTED IN THE
PROVOST COURT

CITY & COUNTY OF HONOLULU

for the Month of February, 1942

Number of Persons Arrested 280

Type of Offenses:

General Order Violations.....	114
Terr. Law ".....	98
County Ord'n. ".....	66
Federal ".....	2

Dispositions 280

Jail	1
Prison	12
Institutions	0
Fine	226
Bail Forfeitures	11

Suspended:

Fine	8
Suspended Sentence	6
Jail	1
Prison	2
Dismissed	13
Other Disposition	0

Total Fines Collected & Imposed.....\$39,118.00

Fines Imposed\$38,903.00

Bail Forfeitures 215.00

Petitioner's Exhibit "P"—(Continued)

PERSONS ARRESTED AND CONVICTED IN THE
PROVOST COURT

CITY & COUNTY OF HONOLULU

for the Month of March, 1942

Number of Persons Arrested 200

Type of Offenses:

General Order Violations.....	125
Terr. Law ".....	61
County Ord'n. ".....	13
Federal ".....	1

Dispositions 200

Jail	0
Prison	1
Institutions	0
Fine	183
Bail Forfeitures	1

Suspended:

Fine	7
Suspended Sentence	0
Jail	0
Prison	4
Dismissed	4
Other Disposition	0

Total Fines Collected & Imposed.....\$92,901.00

Fines Imposed\$92,631.00

Bail Forfeitures 270.00

Petitioner's Exhibit "P"—(Continued)

PERSONS ARRESTED AND CONVICTED IN THE
PROVOST COURT

CITY & COUNTY OF HONOLULU

for the Month of April, 1942

Number of Persons Arrested 3,217

Type of Offenses:

General Order Violations.....	1,496
Terr. Law ".....	1,052
County Ord'n. ".....	620
Federal ".....	49

Dispositions 3,217

Jail	7
Prison	37
Institutions	1

Fine	2,632
Bail Forfeitures	35

Suspended:

Fine	259
Suspended Sentence	131
Jail	1
Prison	97
Dismissed	17
Other Disposition	0

Total Fines Collected & Imposed.....\$64,866.00

Fines Imposed\$64,246.00

Vail Forfeitures 620.00

Petitioner's Exhibit "P"—(Continued)

PERSONS ARRESTED AND CONVICTED IN THE
PROVOST COURT

CITY & COUNTY OF HONOLULU

for the Month of May, 1942

Number of Persons Arrested 2,776

Type of Offenses:

General Order Violations.....	1,249
Terr. Law ".....	1,054
County Ord'n. ".....	441
Federal ".....	32
	<u> </u>

Dispositions 2,776

Jail	5
Prison	54
Institutions	2

Fine	2,112
Bail Forfeitures	44

Suspended:

Fine	293
Suspended Sentence	170
Jail	0
Prison	71
Dismissed	25
Other Disposition	0
	<u> </u>

Total Fines Collected & Imposed \$62,297.00

Fines Imposed \$61,592.00

Vail Forfeitures 705.00

Petitioner's Exhibit "P"—(Continued)

PERSONS ARRESTED AND CONVICTED IN THE
PROVOST COURT

CITY & COUNTY OF HONOLULU

for the Month of June, 1942

Number of Persons Arrested 2,501

Type of Offenses:

General Order Violations.....	1,214
Terr. Law ".....	1,034
County Ord'n. ".....	218
Federal ".....	35

Disposition 2,501

Jail	7
Prison	81
Institutions	1

Fine	1,862
Bail Forfeitures	27

Suspended:

Fine	390
Suspended Sentence	15
Jail	0
Prison	67
Dismissed	51
Other Disposition	0

Total Fines Collected & Imposed.....\$41,376.00

Fines Imposed	\$40,881.00
Vail Forfeitures	495.00

Petitioner's Exhibit "P"—(Continued)

PERSONS ARRESTED AND CONVICTED IN THE
PROVOST COURT

CITY & COUNTY OF HONOLULU

for the Month of July, 1942

Number of Persons Arrested 3,295

Type of Offenses:

General Order Violations.....	1,787
Terr. Law ".....	1,227
County Ord'n. ".....	234
Federal ".....	47

Dispositions 3,295

Jail	5
Prison	108
Institutions	0

Fine	2,489
Bail Forfeitures	96

Suspended:

Fine	445
Suspended Sentence	14
Jail	0
Prison	120
Dismissed	18
Other Disposition	0

Total Fines Collected & Imposed \$50,526.00

Fines Imposed \$48,366.00

Vail Forfeitures 2,160.00

Petitioner's Exhibit "P"—(Continued)

PERSONS ARRESTED AND CONVICTED IN THE
PROVOST COURT

CITY & COUNTY OF HONOLULU

for the Month of August, 1942

Number of Persons Arrested 2,801

Type of Offenses:

General Order Violations.....	1,305
Terr. Law ".....	1,257
County Ord'n. ".....	213
Federal ".....	26

Dispositions 2,801

Jail	4
Prison	186
Institutions	3

Fine	2,185
Bail Forfeitures	34

Suspended:

Fine	309
Suspended Sentence	0
Jail	2
Prison	62
Dismissed	16
Other Disposition	0

Total Fines Collected & Imposed.....\$50,252.00

Fines Imposed\$49,037.00

Vail Forfeitures 1,215.00

Petitioner's Exhibit "P"—(Continued)

PERSONS ARRESTED AND CONVICTED IN THE
PROVOST COURT

CITY & COUNTY OF HONOLULU

for the Month of September, 1942

Number of Persons Arrested 1,252

Type of Offenses:

General Order Violations.....	700
Terr. Law	476
County Ord'n.	58
Federal	18

Dispositions 1,252

Jail	4
Prison	74
Institutions	0
Fine	1,101
Bail Forfeitures	40

Suspended:

Fine	10
Suspended Sentence	0
Jail	0
Prison	17
Dismissed	6
Other Disposition	0

Total Fines Collected & Imposed.....\$39,082.00

Fines Imposed	\$38,607
Vail Forfeitures	475

Petitioner's Exhibit "P"—(Continued)

PERSONS ARRESTED AND CONVICTED IN THE
PROVOST COURT

CITY & COUNTY OF HONOLULU

for the Month of October, 1942

Number of Persons Arrested 1,472

Type of Offenses:

General Order Violations.....	1,174
Terr. Law ".....	220
County Ord'n. ".....	55
Federal ".....	23
	<u>1,472</u>

Dispositions 1,472

Jail	0
Prison	85
Institutions	1
Fine	842
Bail Forfeitures	510

Suspended:

Fine	8
Suspended Sentence	2
Jail	2
Prison	18
Dismissed	4
Other Disposition	0
	<u>34</u>

Total Fines Collected & Imposed.....\$31,730.00

Fines Imposed\$28,750.00

Vail Forfeitures 2,980.00

Petitioner's Exhibit "P" (Continued)

PERSONS ARRESTED AND CONVICTED IN THE
PROVOST COURT

CITY & COUNTY OF HONOLULU

for the Month of November 1942

Number of Persons Arrested 1,454

Type of Offenses:

General Order Violations.....	1,156
Terr. Law ".....	204
County Ord'n. ".....	79
Federal ".....	15

Dispositions 1,454

Jail	0
Prison	33
Institutions	0

Fine 817

Bail Forfeitures 586

Suspended:

Fine 7

Suspended Sentence 0

Jail 0

Prison 11

Dismissed

Other Disposition

Total Fines Collected & Imposed.....\$30,862

Fines Imposed\$26,482

Vail Forfeitures 4,380

Petitioner's Exhibit "P"--(Continued)

PERSONS ARRESTED AND CONVICTED IN THE
PROVOST COURT

CITY & COUNTY OF HONOLULU

for the Month of December, 1942

Number of Persons Arrested 819

Type of Offenses:

General Order Violations.....	509
Terr. Law	196
County Ord'n.	89
Federal	25

Dispositions 819

Jail	0
Prison	38
Institutions	0

Fine 682

Bail Forfeitures 2

Suspended:

Fine	18
Suspended Sentence	0
Jail	0
Prison	70
Dismissed	7
Other Disposition	2

Total Fines Collected & Imposed.....\$21,148.00

Fines Imposed\$21,138.00

Vail Forfeitures 10.00

[Endorsed]: Filed 4-20-44.

PETITIONER'S EXHIBIT "Q"

LIST OF PROVOST COURT PRISONERS PRESENTLY INCARCERATED

Name	Offense	Date of Confinement	Sentence	Release
1. Hanlon, Thomas J.....	Burglary 1st	6/ 9/42	2 1/2 Yrs.	10/ 9/44
2. Mitchell, Robert E.	Burglary 1st	2/12/43	5 Yrs.	
			(To be paroled upon departure from Terr. after serving 18 months)	
3. Tam, Henry	Burglary 1st	7/20/42	2 1/2 Yrs.	7/20/44
				(Parole)
4. Broad, Edwin	Burglary 1st	8/ 1/42	4 Yrs.	9/ 1/45
5. Sousa, Joaquin	Burglary 1st	2/11/42	3 Yrs.	1/17/45
6. Smith, Curtis	Burglary 1st	2/12/43	5 Yrs.	
			(To be paroled upon departure from Terr. after serving 18 months)	
7. Hiona, William	Burglary 1st	5/23/42	3 Yrs.	9/11/44
8. Fernandez, Nelson	Burglary 1st	4/28/42	2 Yrs.	4/ 7/44
9. Peleiholani, Levi	Burglary 1st	8/31/42	4 Yrs.	9/31/45
10. Opunui, David	Burglary 2nd	4/ 6/42	4 Yrs.	5/ 6/45
11. Malani, George K.	Burglary 2nd	7/31/42	4 Yrs.	8/31/45
12. Senido, Raymond T.	Burglary 2nd	4/24/42	3 Yrs.	1/23/45

Harry E. White

List of Provost Court Prisoners Presently Incarcerated—(Continued)

Name	Offense	Date of Confinement	Sentence	Release
13. O'Campe, William	Burglary 2nd	8/21/42	3 Yrs.	12/ 9/44
14. Kapowai, Joseph	Burglary 2d. 1	10/ 9/42	2 Yrs.	5/15/44
15. Mizumoto, Daniel M.	Gross Cheat	8/ 2/42	3 Yrs.	9/22/44
16. Grisson, Roy E.	Gross Cheat	8/11/42	2 Yrs.	7/17/44
17. White, Harry E.	Embezzlement	8/25/42	4 Yrs.	9/25/45
18. Spurlock, Fred	Assault & Battery	3/28/42	2 1/2 Yrs.	9/27/44
19. Tadiya, Angel	Assault & Battery	12/10/42	1 1/2 Yrs.	6/ 9/44
20. Lubrica, Antonio	Assault & Battery	6/30/42	3 Yrs.	10/18/44
21. Ramil, Valentine	Assault & Battery	2/25/42	4 Yrs.	6/15/44
22. Damacio, Thomas Q.	Sex Under 16	4/20/42	3 Yrs.	8/ 8/44
23. Palian, Quadiancio	Sex Under 16	4/17/42	3 Yrs.	8/ 5/44
24. Roplo, Catalino	Sex Under 16	5/27/42	3 Yrs.	9/15/44
25. Feliciano, Manuel	Sex Under 16	3/ 5/42	3 Yrs.	6/23/44
26. Aganon, Pedro	Sex Under 16	9/ 5/42	3 Yrs.	12/23/44
27. Kealoha, Peter	Sex Under 12	4/ 9/42	4 Yrs.	5/ 9/45
28. Trinidad, Monica	Sex Under 12	7/ 3/42	5 Yrs.	3/ 9/46
29. Tomas, Alfredo P.	Sex Under 12	6/20/42	4 Yrs.	7/20/45
30. Sales, Hervacio	Sex Under 12	3/17/42	4 Yrs.	4/17/45
31. Abinoha, Marcelo	Indecent Assault	5/ 4/42	4 Yrs.	6/ 4/45
32. Eslao, Pedro	Indecent Assault	4/18/42	4 Yrs.	5/18/45
33. Andras, Pedro	Indecent Assault	12/30/41	4 Yrs.	1/30/45

List of Provost Court Prisoners Presently Incarcerated—(Continued)

Name	Offense	Date of Confinement	Sentence	Release
34. Joseph, James	Indecent Assault	5/28/42	3 Yrs.	5/30/44
35. Militante, John S.	Incest	8/21/42	3 Yrs.	12/ 9/44
36. Figuerro, Albert	Incest	8/29/42	3½ Yrs.	5/ 4/45
37. Juario, Hermojenes	Incest	5/27/42	3 Yrs.	9/15/44
38. Torres, Acrillo	Incest	5/23/42	3½ Yrs.	1/29/45
39. De Los Santos, William.....	Common nuisance, offen- sively armed, obstruct- ing police officer.	7/14/42	3 Yrs.	11/ 3/44
40. Gomes, Joseph	Manslaughter	4/29/42	4 Yrs.	5/29/45
41. Ishika, Ushihiro	Sale of Narcotics	1/17/42	5 Yrs.	9/23/45
42. Matsumoto, Kinjiro	Possession of Contraband	12/24/41	5 Yrs.	8/30/45
43. Maxwell, Joseph J.....	Obstructing war effort and malicious injury	9/29/43	3 Yrs.	1/17/46
44. Mori, Max Itsujo	Forgery	4/25/42	4 Yrs.	5/23/45
45. Muranaka, Minoru	Disloyalty to U. S., drunk in a public place, inter- ference with police of- ficer, disorderly person.	8/15/42	5 Yrs.	4/21/46
46. Nakashima, Matsoshi	Possession of Contraband	10/ 3/42	2 Yrs.	5/11/44
47. Okimura, Rev. Kakjo	Illegal transmission of mail.	6/ 9/42	5 Yrs.	2/13/46

Harry E. White

List of Provost Court Prisoners Presently Incarcerated—(Continued)

Name	Offense	Date of Confinement	Sentence	Release
48. Ono, Clarence S.....	Possession of Contra- band, enemy alien, curfew.	12/31/42	2 Yrs.	8/ 8/44
49. Sugai, Yoshinji	Rape, sex under 12, sex under 16.	5/25/42	8 Yrs.	4/ 7/48
50. Aceso, Manuel	Murder	7/10/42	15 Yrs.	7/10/54
51. Brown, Saffrey	Murder	4/ 5/42	30 Yrs.	4/ 5/62
52. Marciel, Joseph	Robbery	7/ 8/42	7 Yrs.	9/ 6/47
53. Malaqui, Laborio	Manslaughter	7/ 4/42	5 Yrs.	4/ 4/46

PROVOST COURT PRISONERS TRANSFERRED TO THE TERRITORY

Name	Offense	Date of Confinement	Sentence
1. Nakamura, James	Burglary 1st	2/11/42	5 Yrs.
2. Estrella, Henry Martin.....	Burglary 1st, escape inmate, and malicious conversion.	3/11/42	5 Yrs.
3. Chong, Kam Kit	Burglary 1st, escape inmate, and malicious conversion.	3/11/42	5 Yrs.
4. Palehine, John	Burglary 1st, escape inmate, and malicious conversion.	3/11/42	5 Yrs.
5. Rhodé, Clarence	Burglary 1st, escape inmate, and malicious conversion.	3/11/42	5 Yrs.

[Endorsed]: Filed 4-20-44.

RESPONDENT'S EXHIBIT No. 1

Honolulu Advertiser, Apr. 6/44

Emmons Says Jap Attack On Coast Possible

San Francisco, April 5 (UP)—In a letter to the 9th regional office of civilian defense, Gen. Emmons said that under the existing military situation in the Pacific the enemy "has the following capabilities and it is possible an attack on Pacific coast targets may be made in any of the following manners or combinations thereof:

"1. Sabotage of vital industries, communications and public utilities.

"2. Submarine attacks by shelling vital coastal installations.

"3. Limited air attack on the Pacific coast by carrier-based planes, with possible targets in vital production and congested areas.

"4. Nuisance bombing and incendiary attacks by submarine-based planes on forested and congested areas.

"5. Commando raids by landing parties in vital areas."

[Endorsed]: Filed 4-20-44.

RESPONDENT'S EXHIBIT No. 2-1

United States (Cut) of America

War Department

Washington, March 31, 1944

I Hereby Certify that the attached copies of documents relating to governmental functions in the Territory of Hawaii, are true and exact photostatic copies made from official records on file in the office of the Assistant Secretary of War, War Department, Washington, D. C.

HARRISON A. GERHARDT

Harrison A. Gerhardt

Lt. Colonel, General Staff
Corps - Executive to Asst.
Secretary of War

I Hereby Certify that Lt. Colonel Harrison A. Gerhardt, General Staff Corps, who signed the foregoing certificate, is the Executive to the Assistant Secretary of War, and that to his certification as such full faith and credit are and ought to be given.

In Testimony Whereof I, Henry L. Stimson, Secretary of War, have hereunto caused the seal of the War Department to be affixed and my name to be subscribed by the Assistant Chief Clerk of the said

Respondent's Exhibit No. 2-1—(Continued)
Department, at the City of Washington, this 31 day
of March, 1934

[Seal]

HENRY L. STIMSON

Secretary of War.

By J. C. COOK

Assistant Chief Clerk.

War Department

Form No. 7

Agreed Draft

[In longhand]: File Copy
War Dept.

Dear Mr. President:

We are pleased to report that after lengthy discussions the Departments of War, Justice, and Interior have reached an operating agreement upon the distribution of governmental functions between the civil and the military authorities in the Territory of Hawaii.

Pursuant to this agreement the Governor of Hawaii and the Commanding General will issue simultaneous proclamations. Their effect is to leave unchanged the state of martial law and the suspension of the writ of habeas corpus, to restore to the civil government the majority of civil functions hitherto exercised by the military authorities, and to provide emergency powers for the military government. Copies of the proclamations are enclosed for your information.

We also enclose a draft of a letter which we suggest you might appropriately send to the Secretary of War. It is designed, as you will observe, to reassure the civilian Departments that there will

Respondent's Exhibit No. 2-1—(Continued)
be no unnecessary resumption of the restored functions by the military authorities.

Sincerely yours,

HENRY L. STIMSON

Secretary of War

Attorney General

Secretary of the Interior

Approved

WARNER W. GARDNER
INGRAM M. STAINBACK
W. FORTAS
[Illegible]
J. McCLOY

The President
-The White House.

[In longhand]: Copy of entire set sent to C&R,
OSW 1-22-43

[Typewritten in righthand margin]: X—President of the U. S. ASW 370.8 Hawaii

Agreed Draft

1/18/43

[In longhand]: of letter from the President to the Secretary of War

[In longhand]: File Copy
War Dept.

My dear Mr. Secretary:

I have examined the proposed proclamation to be issued by the Commanding General, Hawaiian Department, and the proposed proclamation to be is-

Respondent's Exhibit No. 2-1—(Continued)
sued concurrently by the Governor of Hawaii. I understand that the Departments of War, Justice, and Interior have agreed in this manner to resolve the difficult questions surrounding the administration of government in the Territory of Hawaii.

I wish to congratulate all the Departments concerned in their cooperative and successful efforts to reach an amicable solution of the knotty problems involved. In an area of such strategic importance as the Hawaiian Islands in a time of active war in the Pacific, I can readily appreciate the difficulty in defining exactly the boundaries between civil and military functions. I think the formula which this proclamation applies meets the present needs.

I know that General Emmons will do all that he can, consistent with his military responsibility, to refrain from exercising his authority over what are normally civil functions. I am confident that the military and civil authorities will cooperate fully. If an occasion should arise on which, after consultation with the civil authorities, the Commanding General felt it necessary to take action under the provisions of paragraph 3, I should like to be informed of the circumstances under which such action was taken. I hope also that there will be a

Respondent's Exhibit No. 2-1—(Continued)
further restoration of civil authority as and when
the situation permits.

Sincerely yours,

Approved

WARNER GARDNER
INGRAM M. STAINBACK
W. FORTAS
J. McCLOY
[Illegible]

Hon. Henry L. Stimson,
Secretary of War.

Proclamation
U. S. Army

Headquarters, Hawaiian Department.
Honolulu, 1943.

To the People of Hawaii:

I, Delos C. Emmons, Lieutenant General, United
States Army, as Commanding General, Hawaiian
Department, and as Military Governor of Hawaii,
do hereby proclaim:

1. Full jurisdiction and authority are hereby
relinquished by the Commanding General to the
Governor and other officers of the Territory of
Hawaii, to the courts of that territory, to the city
and county of Honolulu, to other counties, to all
other officers of the territory or other persons act-
ing under its authority, to the United States Dis-
trict Court for Hawaii, and to the appropriate of-
ficers of the United States, to exercise such powers
as may now or hereafter be vested in them respec-

Respondent's Exhibit No. 2-1—(Continued)
tively by law over the following matters and others necessarily related thereto:

- (a) Control of prices
- (b) Rationing of commodities among the civilian population
- (c) Control of hospitals, medical personnel, and medical supplies
- (d) Food production by and distribution of food among the civilian population
- (e) Control of rents
- (f) Control of transportation and traffic by land, except the movement of troops, military supplies and equipment, and except that the Commanding General may prescribe rules for the traffic during blackout hours
- (g) Public health, sanitation, and prevention of disease among civilians
- (h) Licensing of businesses, regulation of hours of business, and types of forbidden occupations
- (i) Judicial proceedings, both criminal and civil, except:

(1) Criminal prosecutions against members of the armed forces. Members of auxiliary armed forces shall be included within the term "armed forces" after induction into the service and also before induction in respect of any act or omission certified by the Commanding General to be in the line of duty.

(2) Civil suits against members of the armed forces, as defined in subparagraph (1), in respect of any act or omission certified by the Commanding General to be in the line of duty.

Respondent's Exhibit No. 2-1—(Continued)

(3) Criminal prosecutions for violations of military orders.

The Commanding General may waive the above exception with respect to any particular prosecution or suit, or any class of prosecutions or suits, thereby permitting such prosecutions or suits, to be tried in the appropriate court of the territory or in the United States District Court for Hawaii, as the case may be.

(j) Control of imports for civilian consumption and exports by civilians within allotments of tonnage made by the Commanding General —

(k) Censorship of mail from civilians in the territory

(l) Control of liquor and narcotics

(m) Schools and children

(n) The custody of alien property

(o) Collection and disposition of garbage, ashes, and other waste

(p) Banking, currency, and securities, provided that the Commanding General may prescribe the measures to be taken to prevent the enemy from obtaining securities or money or realizing upon them if he should obtain them

(q) Civilian defense activities, except that the Commanding General shall have jurisdiction to prescribe the duties of the Civilian Defense Corps, and to regulate and inspect their training

(r) Control of the supply, employment, hours, wages, and working conditions of labor, except as to (1) employees of the United States under the War Department or the Navy Department, (2) workers

Respondent's Exhibit No. 2-1—(Continued)
employed on construction and other projects under the War Department or the Navy Department, (3) stevedores and other workers employed on docks and dock facilities, and (4) employees of public utilities. It is contemplated that the Commanding General and the Governor of Hawaii by mutual agreement will appoint a joint advisory committee, which shall from time to time consult and advise with each of them with reference to labor matters in their respective fields.

2. The Commanding General, Hawaiian Department, is charged with responsibility for the defense of the Hawaiian Islands and for their preparation for use as a base for offensive operations. For such purposes he shall continue, so far as he deems the military security of the territory to require, to exercise full jurisdiction over all matters over which he now has jurisdiction except such as are transferred to civil authorities pursuant to paragraph 1 of this proclamation.

3. Whenever the Commanding General, in the light of an existing military emergency or in anticipation of any military emergency, considers it necessary for the security of the islands or their use as a military or naval base, he shall have power, upon a written declaration of the existence or the anticipation of a military emergency, to resume such of the functions and jurisdictions as are hereby or may hereafter be transferred to the civil authorities, or to issue such additional military orders, after consultation with the Governor of the terri-

tory where civilian rights and the administration of the civilian government are affected, directing such action as in the judgment of the Commanding General may be required for the military security of the territory.

4. Neither this proclamation nor the revocation of orders announced in paragraph 5 hereof shall operate to invalidate any conviction, or any appli-

Respondent's Exhibit No. 2-1—(Continued)
cation of military orders to persons or activities, or any other action, which occurred prior to the effective date of this proclamation or such revocation.

5. This proclamation shall take effect thirty days after its date. Those parts of all military orders affecting the subjects enumerated in paragraph 1 hereof are hereby revoked effective thirty days after the date hereof.

DELOS C. EMMONS,

Lieutenant General, U. S.

Army, Commanding

Military Governor of Hawaii.

Approved:

WARNER W. GARDNER

INGRAM M. STAINBACK

J. McCLOY

[Two signatures illegible]

By the Governor of Hawaii

A PROCLAMATION

Whereas, the Governor of Hawaii by his proclamation of December 7, 1941, placed the Territory of Hawaii under martial law, in exercise of his

Respondent's Exhibit No. 2-1—(Continued)

powers under section 67 of the Organic Act, which action was confirmed by the President of the United States on December 8, 1941; and

Whereas, a state of martial law remains in effect and the privilege of the writ of habeas corpus remains suspended;

Now, Therefore, I, Ingram M. Stainback, Governor of Hawaii, under the authority given by section 67 of the Organic Act, do hereby proclaim:

1. The Governor of Hawaii and the other civilian officers and agencies of the federal, the territorial and the local governments, will resume on the thirtieth day hereafter their respective jurisdictions, functions and powers, according to law, with respect to the following matters, and others necessarily related thereto:

- (a) Control of prices
- (b) Rationing of commodities among the civilian population
- (c) Control of hospitals, medical personnel, and medical supplies
- (d) Food production by and distribution of food among the civilian population
- (e) Control of rents
- (f) Control of transportation and traffic by land, except the movement of troops, military supplies and equipment, and except that the Commanding General may prescribe rules for the traffic during blackout hours
- (g) Public health, sanitation, and prevention of disease among civilians

Respondent's Exhibit No. 2-1—(Continued)

(h) Licensing of businesses, regulation of hours of business, and types of forbidden occupations

(i) Judicial proceedings, both criminal and civil, except:

(1) Criminal prosecutions against members of the armed forces. Members of auxiliary armed forces shall be included within the term "armed forces" after induction into the service and also before induction in respect of any act or omission certified by the Commanding General to be in the line of duty.

(2) Civil suits against members of the armed forces, as defined in subparagraph (1), in respect of any act or omission certified by the Commanding General to be in the line of duty.

(3) Criminal prosecutions for violations of military orders.

The Commanding General may waive the above exception with respect to any particular prosecution or suit, or any class of prosecutions or suits, thereby permitting such prosecutions or suits to be tried in the appropriate court of the Territory or in the United States District Court for Hawaii, as the case may be.

(j) Control of imports for civilian consumption and exports by civilians within allotments of tonnage made by the Commanding General

(k) Censorship of mail from civilians in the Territory

(l) Control of liquor and narcotics

Respondent's Exhibit No. 2-1—(Continued)

(an) Schools and children

(n) The custody of alien property

(o) Collection and disposition of garbage, ashes, and other waste

(p) Banking, currency, and securities, provided that the Commanding General may prescribe the measures to be taken to prevent the enemy from obtaining securities or money or realizing upon them if he should obtain them

(q) Civilian defense activities, except that the Commanding General shall have jurisdiction to prescribe the duties of the Civilian Defense Corps, and to regulate and inspect their training

(r) Control of the supply, employment, hours, wages, and working conditions of labor, except as to (1) employees of the United States under the War Department or the Navy Department, (2) workers employed on construction and other projects under the War Department or the Navy Department, (3) stevedores and other workers employed on docks and dock facilities, and (4) employees of public utilities. It is contemplated that the Commanding General and the Governor of Hawaii by mutual agreement will appoint a joint advisory committee which shall from time to time consult and advise with each of them with reference to labor matters in their respective fields.

2. For the purposes of the defense of the Hawaiian Islands and for their preparation for use as a base for offensive operations, the Commanding General shall continue so far as he deems

Respondent's Exhibit No. 2-1—(Continued)
the military security of the Territory to require, to exercise full jurisdiction over all matters over which he now has jurisdiction except such as are resumed by civil authorities pursuant to paragraph 1 of this proclamation.

3. Whenever the Commanding General, in the light of an existing military emergency or in anticipation of any military emergency, considers it necessary for the security of the islands or their use as a military or naval base, he shall have power, upon a written declaration of the existence or the anticipation of a military emergency, to exercise such of the functions and jurisdictions as are hereby or may hereafter be resumed by the civil authorities, or to issue such additional military orders, after consultation with the Governor of the Territory where civilian rights and the administration of the civilian government are affected, directing such action as in the judgement of the Commanding General may be required for the military security of the Territory.

4. Nothing in this proclamation shall operate to invalidate any conviction, or any application of military orders to persons or activities, or any other action, which occurred or shall occur prior to the thirtieth day hereafter.

5. I call upon all good citizens of the United States and all other persons within the Territory of Hawaii to obey promptly and fully, in letter and spirit, such orders as the Commanding General may issue under this proclamation and during the continuance of the state of martial law.

Respondent's Exhibit No. 2-1—(Continued)—
Done at Honolulu, Territory of Hawaii, this
day of January, 1943.

INGRAM M. STAINBACK,
Governor of Hawaii.

Approved

WARNER W. GARDNER
INGRAM M. STAINBACK
W. FORTAS
J. McCLOY
[Illegible]

[Endorsed]: Filed 4-20-44.

RESPONDENT'S EXHIBIT No. 2-2

I hereby certify that the attached are true photo-
static copies of letters and accompanying papers
on file in the White House Office.

C. E. INGLING,
Chief of Files,
The White House Office.

I hereby certify that C. E. Ingling, who signed the
foregoing certificate, is Chief of Files in the White
House Office.

M. C. LATTA
M. C. Latta
Executive Clerk,
The White House Office.

Respondent's Exhibit No. 2-2—(Continued)

The White House

Washington

[Marginal notes]: (400) Hawaii F x161

[Stamped] Feb 1 1943

My dear Mr. Secretary:

I have examined the proposed proclamation to be issued by the Commanding General Hawaiian Department, and the proposed proclamation to be issued concurrently by the Governor of Hawaii. I understand that the Departments of War, Justice, and Interior have agreed in this manner to resolve the difficult questions surrounding the administration of government in the Territory of Hawaii.

I wish to congratulate all the Departments concerned in their cooperative and successful efforts to reach an amicable solution of the knotty problems involved. In an area of such strategic importance as the Hawaiian Islands in a time of active war in the Pacific, I can readily appreciate the difficulty in defining exactly the boundaries between civil and military functions. I think the formula which this proclamation applies meets the present needs.

X

I know that General Emmons will do all that he can, consistent with his military responsibility, to refrain from exercising his authority over what are normally civil functions. I am confident that the military and civil authorities will cooperate fully. If an occasion should arise on which, after consultation with the civil authorities, the Commanding

Respondent's Exhibit No. 2-2--(Continued)

General felt it necessary to take action under the provisions of paragraph 3, I should like to be informed of the circumstances under which such action was taken. I hope also that there will be a further restoration of civil authority as and when the situation permits.

Sincerely yours,

FRANKLIN D. ROOSEVELT

Hon. Henry L. Stimson, x25

Secretary of War.

[In manuscript]: Copy sent to Interior & Justice
Copy for White House Files

January 18, 1943.

Dear Mr. President:

We are pleased to report that after lengthy discussions the Departments of War, Justice, and Interior have reached an operating agreement upon the distribution of governmental functions between the civil and the military authorities in the Territory of Hawaii.

Pursuant to this agreement the Governor of Hawaii and the Commanding General will issue simultaneous proclamations. Their effect is to leave unchanged the state of martial law and the suspension of the writ of habeas corpus, to restore to the civil government the majority of civil functions hitherto exercised by the military authorities, and to provide emergency powers for the military government. Copies of the proclamations are enclosed for your information.

Respondent's Exhibit No. 2-2—(Continued)

We also enclose a draft of a letter which we suggest you might appropriately send to the Secretary of War. It is designed, as you will observe, to reassure the civilian Departments that there will be no unnecessary resumption of the restored functions by the military authorities.

Very sincerely yours,

HENRY L. STIMSON

Secretary of War

FRANCIS BIDDLE

Attorney General x10

HAROLD L. ICKES

Secretary of the Interior x6

The President,
The White House.

Proclamation

U. S. Army

Headquarters, Hawaiian Department.

Honolulu,, 1943.

To the People of Hawaii:

I, Delos C. Emmons, Lieutenant General, United States Army, as Commanding General, Hawaiian Department, and as Military Governor of Hawaii, do hereby proclaim:

1. Full jurisdiction and authority are hereby relinquished by the Commanding General to the Governor and other officers of the Territory of Hawaii, to the courts of that territory, to the city and county of Honolulu, to other counties, to all other officers of the territory or other persons acting under its

Respondent's Exhibit No. 2-2—(Continued)
authority, to the United States District Court for Hawaii, and to the appropriate officers of the United States, to exercise such powers as may now or hereafter be vested in them respectively by law over the following matters and others necessarily related thereto:

- (a) Control of prices
- (b) Rationing of commodities among the civilian population
- (c) Control of hospitals, medical personnel, and medical supplies
- (d) Food production by and distribution of food among the civilian population
- (e) Control of rents
- (f) Control of transportation and traffic by land, except the movement of troops, military supplies and equipment, and except that the Commanding General may prescribe rules for the traffic during blackout hours
- (g) Public health, sanitation, and prevention of disease among civilians
- (h) Licensing of businesses, regulation of hours of business, and types of forbidden occupations
- (i) Judicial proceedings, both criminal and civil, except:
 - (1) Criminal prosecutions against members of the armed forces. Members of auxiliary armed forces shall be included within the term "armed forces" after induction into the service and also before induction in respect of any act

Respondent's Exhibit No. 2-2—(Continued)
or omission certified by the Commanding General to be in the line of duty.

(2) Civil suits against members of the armed forces, as defined in subparagraph (1), in respect of any act or omission certified by the Commanding General to be in the line of duty.

(3) Criminal prosecutions for violations of military orders.

The Commanding General may waive the above exception with respect to any particular prosecution or suit, or any class of prosecutions or suits, thereby permitting such prosecutions or suits to be tried in the appropriate court of the territory or in the United States District Court for Hawaii, as the case may be.

(j) Control of imports for civilian consumption and exports by civilians within allotments of tonnage made by the Commanding General

(k) Censorship of mail from civilians in the territory

(l) Control of liquor and narcotics

(m) Schools and children

(n) The custody of alien property

(o) Collection and disposition of garbage, ashes, and other waste

(p) Banking, currency, and securities, provided that the Commanding General may prescribe the measures to be taken to prevent the enemy from obtaining securities or money or realizing upon them if he should obtain them.

Respondent's Exhibit No. 2-2—(Continued)

(q) Civilian defense activities, except that the Commanding General shall have jurisdiction to prescribe the duties of the Civilian Defense Corps, and to regulate and inspect their training

(r) Control of the supply, employment, hours, wages, and working conditions of labor, except as to (1) employees of the United States under the War Department or the Navy Department, (2) workers employed on construction and other projects under the War Department or the Navy Department, (3) stevedores and other workers employed on docks and dock facilities, and (4) employees of public utilities. It is contemplated that the Commanding General and the Governor of Hawaii by mutual agreement will appoint a joint advisory committee, which shall from time to time consult and advise with each of them with reference to labor matters in their respective fields.

2. The Commanding General, Hawaiian Department, is charged with responsibility for the defense of the Hawaiian Islands and for their preparation for use as a base for offensive operations. For such purposes he shall continue, so far as he deems the military security of the territory to require, to exercise full jurisdiction over all matters over which he now has jurisdiction except such as are transferred to civil authorities pursuant to paragraph 1 of this proclamation.

3. Whenever the Commanding General, in the light of an existing military emergency or in anticipation of any military emergency, considers it nec-

Respondent's Exhibit No. 2-2—(Continued)

nessary for the security of the islands or their use as a military or naval base, he shall have power, upon a written declaration of the existence or the anticipation of a military emergency, to resume such of the functions and jurisdictions as are hereby or may hereafter be transferred to the civil authorities, or to issue such additional military orders, after consultation with the Governor of the territory where civilian rights and the administration of the civilian government are affected, directing such action as in the judgment of the Commanding General may be required for the military security of the territory.

4. Neither this proclamation nor the revocation of orders announced in paragraph 5 hereof shall operate to invalidate any conviction, or any application of military orders to persons or activities, or any other action, which occurred prior to the effective date of this proclamation or such revocation.

5. This proclamation shall take effect thirty days after its date. Those parts of all military orders affecting the subjects enumerated in paragraph 1 hereof are hereby revoked effective thirty days after the date hereof.

DELOS C. EMMONS,

Lieutenant General, U. S.

Army, Commanding.

Military Governor of Hawaii.

Respondent's Exhibit No. 2-2—(Continued)

By the Governor of Hawaii

A Proclamation

Whereas, the Governor of Hawaii by his proclamation of December 7, 1941, placed the Territory of Hawaii under martial law, in exercise of his powers under section 67 of the Organic Act, which action was confirmed by the President of the United States on December 8, 1941; and

Whereas, a state of martial law remains in effect and the privilege of the writ of habeas corpus remains suspended;

Now, Therefore, I, Ingram M. Stainback, Governor of Hawaii, under the authority given by section 67 of the Organic Act, do hereby proclaim:

1. The Governor of Hawaii and the other civilian officers and agencies of the federal, the territorial and the local governments, will resume on the thirtieth day hereafter their respective jurisdictions, functions and powers, according to law, with respect to the following matters, and others necessarily related thereto:

- (a) Control of prices
- (b) Rationing of commodities among the civilian population
- (c) Control of hospitals, medical personnel, and medical supplies
- (d) Food production by and distribution of food among the civilian population
- (e) Control of rents
- (f) Control of transportation and traffic by land, except the movement of troops, military supplies

Respondent's Exhibit No. 2-2—(Continued)
and equipment, and except that the Commanding General may prescribe rules for the traffic during blackout hours.

(g) Public health, sanitation, and prevention of disease among civilians

(h) Licensing of businesses, regulation of hours of business, and types of forbidden occupations

(i) Judicial proceedings, both criminal and civil, except:

(1) Criminal prosecutions against members of the armed forces. Members of auxiliary armed forces shall be included within the term "armed forces" after induction into the service and also before induction in respect of any act or omission certified by the Commanding General to be in the line of duty.

(2) Civil suits against members of the armed forces, as defined in subparagraph (1), in respect of any act or omission certified by the Commanding General to be in the line of duty.

(3) Criminal prosecutions for violations of military orders.

The Commanding General may waive the above exception with respect to any particular prosecution or suit, or any class of prosecutions or suits, thereby permitting such prosecutions or suits to be tried in the appropriate court of the Territory or in the United States District Court for Hawaii, as the case may be.

Respondent's Exhibit No. 2-2—(Continued)

(j) Control of imports for civilian consumption and exports by civilians within allotments of tonnage made by the Commanding General

(k) Censorship of mail from civilians in the Territory

(l) Control of liquor and narcotics

(m) Schools and children

(n) ~~The~~ custody of alien property

(o) Collection and disposition of garbage, ashes, and other waste

(p) Banking, currency, and securities, provided that the Commanding General may prescribe the measures to be taken to prevent the enemy from obtaining securities or money or realizing upon them if he should obtain them

(q) Civilian defense activities, except that the Commanding General shall have jurisdiction to prescribe the duties of the Civilian Defense Corps, and to regulate and inspect their training

(r) Control of the supply, employment, hours, wages, and working conditions of labor, except as to (1) employees of the United States under the War Department or the Navy Department, (2) workers employed on construction and other projects under the War Department or the Navy Department, (3) stevedores and other workers employed on docks and dock facilities, and (4) employees of public utilities. It is contemplated that the Commanding General and the Governor of Hawaii by mutual agreement will appoint a joint advisory committee

Respondent's Exhibit No. 2-2—(Continued)

which shall from time to time consult and advise with each of them with reference to labor matters in their respective fields.

2. For the purposes of the defense of the Hawaiian Islands and for their preparation for use as a base for offensive operations, the Commanding General shall continue so far as he deems the military security of the Territory to require, to exercise full jurisdiction over all matters over which he now has jurisdiction except such as are resumed by civil authorities pursuant to paragraph 1 of this proclamation.

3. Whenever the Commanding General, in the light of an existing military emergency or in anticipation of any military emergency, considers it necessary for the security of the islands or their use as a military or naval base, he shall have power, upon a written declaration of the existence or the anticipation of a military emergency, to exercise such of the functions and jurisdictions as are hereby or may hereafter be resumed by the civil authorities, or to issue such additional military orders, after consultation with the Governor of the Territory where civilian rights and the administration of the civilian government are affected, directing such action as in the judgment of the Commanding General may be required for the military security of the Territory.

4. Nothing in this proclamation shall operate to invalidate any conviction, or any application of military orders to persons or activities, or any other

Respondent's Exhibit No. 2-2—(Continued)
action, which occurred or shall occur prior to the
thirtieth day hereafter.

5. I call upon all good citizens of the United
States and all other persons within the Territory
of Hawaii to obey promptly and fully, in letter and
spirit, such orders as the Commanding General may
issue under this proclamation and during the con-
tinuance of the state of martial law..

Done at Honolulu, Territory of Hawaii, this . . .
day of January, 1943.

INGRAM M. STAINBACK,
Governor of Hawaii.

[Endorsed]: Filed 4-20-44.

RESPONDENT'S EXHIBIT No. 2-3

United States (ent) of America

War Department

Washington, 22 March 19344

I hereby certify that the attached copy of letter
from the President, addressed to the Secretary of
War, dated February 1, 1943, is a true and exact
photostat copy made from an official record on file
in this office.

H. A. GERHARDT

Harrison A. Gerhardt

Lt. Colonel, General Staff
Corps, Executive to Ass't
Secretary of War

I hereby certify that Lt. Colonel Harrison A. Gerhardt, who signed the foregoing certificate, is the Executive Officer to the Assistant Secretary of War, and that to his certification as such full faith and credit are and ought to be given.

In testimony whereof, I, Henry L. Stimson, Secretary of War, have hereunto caused the seal of the War Department to be affixed and my name to be subscribed by the Assistant Chief Clerk of the said Department, at the City of Washington, this 22 day of March, ~~193~~ 1944.

[Seal] HENRY L. STIMSON,

Secretary of War.

By J. C. COOK,

Assistant Chief Clerk.

War Department

Form No. 7

[Stamped]: Received War Department Sec-
retary's Office 1943 Feb 2 AM 11:22

The White House
Washington

February 1, 1943

My dear Mr. Secretary:

I have examined the proposed proclamation to be issued by the Commanding General, Hawaiian Department, and the proposed proclamation to be issued concurrently by the Governor at Hawaii. I understand that the Departments of War, Justice, and Interior have agreed in this manner to resolve the difficult questions surrounding the administration of government in the Territory of Hawaii.

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FRANKLIN D. ROOSEVELT

[Endorsed]: Filed 4-20-44.

RESPONDENT'S EXHIBIT No. 2-4

United States [Cut] of America

War Department

Washington, 31 March 193 1944

I Hereby Certify that the attached copy of letter dated 1/18/43, relative to proclamations pertaining to governmental affairs in the Territory of Hawaii, is a true and exact photostatic copy made from an official record on file in the office of the Assistant Secretary of War, War Department, Washington, D.C.

HARRISON A. GERHARDT

Harrison A. Gerhardt

Lt. Colonel, General Staff
CorpsExecutive to Asst. Secretary
of War

I Hereby Certify that Lt. Colonel Harrison A. Gerhardt, General Staff Corps, who signed the foregoing certificate, is the Executive to Assistant Secretary of War, and that to his certification as such full faith and credit are and ought to be given.

In Testimony Whereof, I, Henry L. Stimson, Secretary of War, have hereunto caused the seal of the War Department to be affixed and my name to be subscribed by the Assistant Chief Clerk of

the said Department, at the City of Washington,
this thirty-first day of March, ~~193~~ 1944.

[Seal] HENRY L. STIMSON
Secretary of War.

By J. C. COOK
Assistant Chief Clerk.

War Department
Form No. 7

[Penciled in margin]: File Copy. W 370.8
Hawaii X. Emmons 1-18-43

Agreed Draft

My dear General Emmons:

As you have doubtless been informed by the Secretary of War, an agreement has been reached in Washington which calls for the simultaneous issuance of similar proclamations by you and by me. I understand that you have received from the Secretary of War both the proclamation which you are to issue and a copy of that which I am to issue. I suggest that we confer at your earliest convenience as to the date and the manner of issuance of these proclamations.

I undertook when in Washington to add by informal letter a particularization of my intentions as to several of the general provisions of the proclamations. These matters are:

1. Although, by paragraph 1(g) of the proclamations, control of "public health, sanitation, and prevention of disease among civilians" is restored to the civil government, I shall put into effect any

measure which you determine to be necessary to prevent contamination by the enemy.

2. Paragraph 1(b) of the proclamations restores to the civil government control of "rationing commodities among the civilian population." In the administration of these functions, the civil authorities will respect any determination which you might make as to necessary reserves of food-stuffs, both as to amount and as to kind, which are to be held against an emergency.

Sincerely yours,

Governor of Hawaii.

Approved

WARNER W. GARDNER
INGRAM M. STAINBACK
W. FORTAS
J. McCLOY
[Illegible]

[Endorsed]: Filed 4-20-44.

RESPONDENT'S EXHIBIT No. 3

SUMMARY OF CASES IN PROVOST COURT FOR THE MONTH OF FEBRUARY 1944

Nature of Cases	Number
GO 8, 2.05 Fraudulent entrance in military area.....	1
GO 7, 9.01 Smoking aboard ship	2
GO 8, 9.01 Failure to report military service.....	1
GO 7, 8.05 Parking in res. waterfront area.....	1
GO 2, 3.03 Contempt of Court	8
GO 9, 13.01 Filing cable w/o approval	1
GO 9, 14.02 Making false statements	1

Nature of Cases			Number	
GO 3, 4.05	Blackout speeding	.....	186	n
GO 3, 4.06	Blackout parking	.....	276	1
GO 3, 2.01	Blackout-lights	.....	62	
GO 3, 4.02	Blackout—pedestrian	.....	111	1
GO 3, 4.04	Blackout—vehicle	.....	38	sta
GO 10, 6.02	Absenteeism	.....	51	27
1258 RO	Speeding	.....	11	45
6280 RL as am	Headless & Careless	.....	11	90
2/234/SL'37)	Driving w/o Lic: Not having on person, etc.	.....	12	82
14/234/SL'37)				53
1313 RO	Unlawful manipulation of levers	.....	1	34
1214 RO	Going thru red light	.....	5	36
1240 RO	Following too closely	.....	11	56
1276 RO	Right of way to ped.	.....	1	
1239 RO	Driving left of center line	.....	1	
1238 RO	Illegal overtaking	.....	2	M
1325 RO	Failure to make hand signal	.....	1	sta
1544 RO	Disregarding stop sign	.....	1	34
1213 RO	Failing to obey signal	.....	2	72
1245 RO	No right of way	.....	5	64
1261 RO	Drunk Driving	.....	2	26
1304 RO	Defective brakes	.....	1	13
1233 RO	Driving on wrong side of road	.....	2	28
1236 RO	Overtaking another vehicle	.....	1	21
1250 RO	Unlawful backing	.....	1	6
1243 RO	Illegal left turn	.....	1	
1241 RO	Turning at intersection	.....	1	
1246 RO	Failure to yield right of way	.....	5	J
1284 RO	Failure to remain at scene of accident	.....	2	a
Total			819	

RECAPITULATION

1. Convictions	.....	819
2. Dismissals	.....	79
3. Blackout Forfeitures	.....	519
4. Traffic Forfeitures	.....	36
Total Cases	.....	1453

Additional Information

1. Suspensions	182
2. Alien Cases	21
3. Philippine Nationals	55

[Endorsed]: Filed 4-20-44.

RESPONDENT'S EXHIBIT No. 4

BOARD OF HEALTH
TERRITORY OF HAWAIIPOPULATION ESTIMATES AS OF JULY 1, 1943
AND JULY 1, 1944

Area	July 1, 1943	Jan. 1, 1944	July 1, 1944
City of Honolulu	211,847	214,769	217,692
City & County of Honolulu (Exclusive of Honolulu City)	119,724	122,069	124,414
City of Hilo	24,158	24,531	24,904
County of Hawaii (Exclu- sive of Hilo City)	42,904	42,198	41,491
County of Kalawao	450	447	444
County of Kauai	32,791	32,619	32,448
County of Maui	51,489	51,237	50,986
Territory	483,363	487,870	492,379
Race	July 1, 1943	Jan. 1, 1944	July 1, 1944
Hawaiian	12,617	12,210	11,802
Part Hawaiian	56,932	58,055	59,179
Puerto Rican	8,775	8,854	8,932
Caucasian	155,664	159,172	162,684
Chinese	29,621	29,717	29,813
Japanese	162,690	163,478	164,268
Korean	6,941	6,956	6,970
Filipino	49,261	48,563	47,863
All Others	862	865	868
Territory	483,363	487,870	492,379

Compiled by Bureau of Vital Statistics.
October 28, 1943

Respondent's Exhibit No. 4—(Continued)

U. S. DEPARTMENT OF COMMERCE

Bureau of the Census

Washington

March 10, 1941

Sixteenth Census of the

Hawaii: Population

United States: 1940

RACIAL COMPOSITION OF THE

POPULATION OF HAWAII

The Hawaiians, part-Hawaiians, and Caucasians, in Hawaii, taken as a single group, increased much more rapidly than the Japanese inhabitants of the Territory during the past decade, and now outnumber the latter element of the population, according to a preliminary report compiled from returns of the Sixteenth Decennial Census, released today by Acting Director Vergil D. Reed of the Bureau of the Census, Department of Commerce.

The Hawaiians and part-Hawaiians increased 26.4 percent, from 50,860 in 1930 to 64,310 in 1940; the Caucasians, 40.8 percent, from 73,702 to 103,791; and the Japanese, 13.1 percent, from 139,631 to 157,903. Thus the Hawaiians and part-Hawaiians increased twice as rapidly, and the Caucasians three times as rapidly, as the Japanese. The Filipino population of Hawaii, which numbered 63,052 in 1930, declined 16.6 percent to 52,569 in 1940.

This report presents comparative figures, for the last three Census years, for the several racial groups which constitute the population of Hawaii. It supplements the report entitled "Summary of Preliminary Population Figures for the Territory of Hawaii: 1940," issued September 3, 1940. All figures in the table below are final.

Respondent's Exhibit No. 4—(Continued)

POPULATION OF HAWAII, BY RACE: 1940, 1930 AND 1920

Race	1940	1930	1920	Percent of total			Percent of change	
				1940	1930	1920	1930-1940	1920-1930
Total	423,330	368,336	255,912	100.0	100.0	100.0	14.9	43.9
Hawaiian and part-Hawaiian.....	64,310	50,860	41,750	15.2	13.8	16.3	26.4	21.8
Caucasian	103,791	73,702	49,140	24.5	20.0	19.2	40.8	50.0
Chinese	28,774	27,179	23,507	6.8	7.4	9.2	5.9	15.6
Filipino	52,569	63,052	21,031	12.4	17.1	8.2	16.6	199.8
Japanese	157,905	139,631	109,274	37.3	37.9	42.7	13.1	27.8
Korean	6,851	6,461	4,950	1.6	1.8	1.9	6.0	30.5
Puerto Rican	8,296	6,671	5,602	2.0	1.8	2.2	24.4	19.1
Other	834	780	658	.2	.2	.3	6.9	18.5

[In pencil] : 11037

Respondent's Exhibit No. 4—(Continued)

POPULATION, BY AGE, FOR THE TERRITORY OF HAWAII: CENSUS, 1940

Age	Territory of Hawaii		Oahu		Hawaii		Kauai		Niihau		Maui	
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%
All Ages	423,330	100.00	257,664	100.00	73,276	100.00	35,636	100.00	182	100.00	46,919	100.00
Under 5 Years	40,085	9.47	22,937	8.90	7,418	10.12	3,414	9.58	42	23.08	5,255	11.20
5 - 9 Years	43,431	10.26	24,571	9.54	8,343	11.39	3,806	10.68	34	18.68	5,721	12.19
10 - 13 Years	38,132	9.01	21,596	8.38	7,404	10.11	3,325	9.33	14	7.69	5,038	10.74
14 Years	9,363	2.21	5,199	2.02	1,870	2.55	837	2.35	4	2.20	1,244	2.65
15 - 19 Years	48,336	11.42	29,738	11.54	8,323	11.36	3,893	10.92	19	10.44	5,554	11.84
20 - 24 Years	51,075	12.06	36,837	14.30	6,128	8.36	2,949	8.28	11	6.04	4,252	9.06
25 - 29 Years	42,332	10.00	27,236	10.57	6,410	8.75	3,667	10.29	11	6.04	3,861	8.23
30 - 34 Years	33,388	7.89	20,163	7.83	5,664	7.73	3,253	9.13	15	8.24	3,322	7.08
35 - 44 Years	51,000	12.04	30,752	11.93	8,639	11.79	4,734	13.28	17	9.34	5,345	11.39
45 - 54 Years	32,603	7.70	19,463	7.55	5,973	8.15	2,783	7.81	6	3.30	3,603	7.68
55 - 64 Years	20,517	4.85	11,952	4.64	4,139	5.65	1,735	4.84	4	2.20	2,270	4.84
65 - 74 Years	10,107	2.39	5,553	2.15	2,348	3.20	954	2.68	3	1.65	1,107	2.36
75 Years & Over	2,961	0.70	1,667	0.65	617	0.84	286	0.80	2	1.10	347	0.74

	Lanai		Kahoolawe		Molokai		Honolulu City*		Rural Oahu		Outlying Islands		Palmyra	
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%
All Ages	3,720	100.00	1	100.00	5,340	100.00	179,326	100.00	78,338	100.00	560	100.00	32	100.00
Under 5 Years	379	10.19	—	—	639	11.97	16,947	9.45	5,990	7.65	1	0.18	—	—
5 - 9 Years	360	9.68	—	—	596	11.16	17,919	9.99	6,652	8.49	—	—	—	—
10 - 13 Years	266	7.15	—	—	489	9.16	15,808	8.82	5,788	7.39	—	—	—	—
14 Years	72	1.94	—	—	137	2.57	3,828	2.13	1,371	1.75	—	—	—	—
15 - 19 Years	333	8.95	—	—	463	8.67	20,293	11.32	9,445	12.06	13	2.32	—	—
20 - 24 Years	335	9.00	—	—	406	7.60	21,342	11.90	15,495	19.78	150	26.79	7	21.87
25 - 29 Years	485	13.04	—	—	525	9.83	18,165	10.13	9,071	11.58	127	22.68	10	31.25
30 - 34 Years	435	11.69	—	—	441	8.26	14,069	7.85	6,094	7.78	90	16.07	5	15.63
35 - 44 Years	605	16.26	—	—	786	14.72	21,951	12.24	8,801	11.23	115	20.54	7	21.87
45 - 54 Years	226	6.08	—	—	493	9.23	14,210	7.92	5,253	6.70	53	9.46	3	9.38
55 - 64 Years	181	4.87	1	100.00	224	4.19	9,077	5.06	2,875	3.67	11	1.96	—	—
65 - 74 Years	37	0.99	—	—	105	1.97	4,353	2.43	1,200	1.53	—	—	—	—
75 Years & Over	6	0.16	—	—	36	0.67	1,364	0.76	303	0.39	—	—	—	—

* Palmyra Island not included in Honolulu City population figures.

* The outlying islands (Baker, Canton, Enderbury, Howland, Jarvis, Johnston, and Midway), although not under the jurisdiction of the Territory of Hawaii, are for census purposes included in the totals for the Territory and for Honolulu County.

POPULATION, BY RACE, FOR THE TERRITORY OF HAWAII: CENSUS, 1940

Race	Territory of Hawaii		Oahu		Iiwa		Kauai		Niihau		Maui	
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%
All Races	423,330	100.00	257,664	100.00	73,27	100.00	35,636	100.00	182	100.00	46,919	100.00
Hawaiian	14,375	3.40	7,064	2.74	3,45	4.71	732	2.05	156	85.71	2,102	4.48
Part Hawaiian	49,935	11.80	31,367	12.17	7,90	10.78	2,647	7.43	19	10.44	6,007	12.80
Caucasian	103,788	24.52	82,086	31.86	9,82	13.38	4,464	12.53	1	0.55	6,588	14.04
Chinese	28,774	6.80	24,554	9.53	1,83	2.50	862	2.42	—	—	1,304	2.78
Filipino	52,570	12.41	19,067	7.40	12,84	17.53	10,149	28.48	—	—	7,659	16.32
Japanese	157,904	37.30	83,385	32.36	34,86	47.58	15,464	43.39	—	—	21,656	46.16
Other Races	15,984	3.77	10,141	3.94	2,56	3.50	1,318	3.70	—	—	1,603	3.42

Race	Lanai		Kahoolawe		Mokai		Outlying Islands*		Palmyra		Honolulu City*		Rural Oahu	
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%
All Races	3,720	100.00	1	100.00	5,34	100.00	560	100.00	32	100.00	179,326	100.00	78,338	100.00
Hawaiian	115	3.09	—	—	72	13.65	21	3.75	5	15.63	5,157	3.04	1,607	2.05
Part Hawaiian	263	7.07	—	—	1,64	30.81	73	13.04	13	40.62	25,583	14.27	5,784	7.38
Caucasian	138	3.71	1	100.00	26	4.91	414	73.93	13	40.62	50,892	28.38	31,194	39.82
Chinese	71	1.91	—	—	13	2.58	12	2.14	1	3.13	22,445	12.52	2,109	2.69
Filipino	1,567	42.12	—	—	1,28	24.03	—	—	—	—	6,887	3.84	12,180	15.55
Japanese	1,310	35.22	—	—	1,21	22.79	1	0.18	—	—	60,593	33.79	22,792	29.10
Other Races	256	6.88	—	—	6	1.23	39	6.96	—	—	7,469	4.16	2,672	3.41

* Palmyra Island not included in Honolulu City population figures.

* The outlying islands (Baker, Canton, Enderbury, Howlitt, Jarvis, Johnston, and Midway), although not under the jurisdiction of the Territory of Hawaii, are for census purposes included in the totals for the Territory and for Honolulu County.

Respondent's Exhibit No. 4—(Continued)

JAPANESE POPULATION BY AREA AND BY BROAD AGE GROUPS FOR MALES FOR THE TERRITORY OF HAWAII, 1940 and 1930, AND BY COUNTIES AND PRINCIPAL CITIES, 1940.—(All 1940 figures in this table are preliminary and subject to revision)

County or city	Total	Male	Female	Males by broad age groups		
				Under 18	18 to 44	45 and older
Territory of Hawaii, total 1940	157,849	82,784	75,065	34,795	31,348	16,641
1930	139,631	75,008	64,623	36,774	21,849	16,385
Percent of increase.....	13.0	10.4	16.2	-5.4	43.5	1.6
1940 .						
Honolulu County	83,383	43,475	39,908	17,656	17,771	8,048
Honolulu city	60,591	31,221	29,370	12,199	13,476	5,546
Remainder of county.....	22,792	12,254	10,538	5,457	4,295	2,502
Hawaii County	34,864	18,271	16,593	7,955	6,057	4,259
Greater Hilo city	11,207	5,659	5,548	2,339	2,185	1,135
Remainder of county	23,657	12,612	11,045	5,616	3,872	3,124
Maui County	24,084	12,877	11,207	5,799	4,495	2,583
Wailuku city	3,591	1,864	1,727	825	711	328
Remainder of county	20,493	11,013	9,480	4,974	3,784	2,255
Kauai county	15,469	8,131	7,338	3,384	3,001	1,746
Kalawao County	49	30	19	1	24	5

• The corresponding percent of increase in the total population (all races) of the Territory of Hawaii was 14.9.

Harry E. White

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Respondent's Exhibit No. 4—(Continued)

BOARD OF HEALTH

TERRITORY OF HAWAII

POPULATION ESTIMATES AS OF JULY 1, 1940 AND JULY 1, 1941

Area	July 1, 1940	Jan. 1, 1941	July 1, 1941
City of Honolulu	180986	190573	200158
City & County of Honolulu (Exclusive of Honolulu City) ..	79899	95121	110345
City of Hilo ¹	24341	23504	22667
County of Hawaii: (Exclusive of Hilo City)	49222	47475	45731
County of Kalawao	465	465	464
County of Kauai	35956	34718	33479
County of Maui	55785	54140	52495
Territory	426654	445996	465339

Race	July 1, 1940 ²	July 1, 1940 ²	July 1, 1940 ²	Jan. 1, 1941	July 1, 1941	July 1, 1941	
	Total	Citizens	Non-Citizens	Total	Total	Citizens	Non-Citizens
Hawaiian	14359	14359	—	14303	14246	14246	—
Part-Hawaiian	50470	50470	—	51457	52445	52445	—
Puerto Rican	8322	8322	—	8391	8460	8460	—
Caucasian	106381	103700	2681	124004	141627	139299	2328
Chinese	28834	24245	4589	29035	29237	24886	4351
Japanese	157990	121312	36678	158762	159534	124351	35183
Korean	6854	4517	2337	6867	6881	4628	2253
Filipino	52607	17109	35498	52374	52060	18050	34010
All Others	837	807	30	843	849	832	17
Territory	426654	344841	81813	445996	465339	387197	78142

¹ Sec. 2801 R. L. 1935 as amended by Act 103 S. L. 1941² Revised estimates.

H. F. HARALSON, M. D.

H. F. Haralson

Territorial Commissioner of Public Health

Compiled by Bureau of Vital Statistics.

[Endorsed]: Filed 4-20-44.

RESPONDENT'S EXHIBIT No. 5

BIRTHS OF JAPANESE IN THE TERRITORY
OF HAWAII

and

NUMBER REPORTED TO THE JAPANESE CONSULATE
for the
FISCAL YEAR 1915-1941

Fiscal Year	Births reported to Japanese Consulate			Total births in Terr. of Hawaii		
	Total	Males	Females	Total	Males	Females
1915	4,606	•	•	3,377	1,821	1,556
1916	4,639	•	•	3,662	1,974	1,688
1917	4,918	•	•	4,260	2,321	1,939
1918	5,086	•	•	4,579	2,365	2,214
1919	4,807	•	•	4,391	2,356	2,035
1920	5,286	•	•	4,963	2,636	2,327
1921	5,001	•	•	4,910	2,624	2,286
1922	4,682	•	•	5,590	2,994	2,596
1923	4,629	•	•	5,689	2,954	2,735
1924	4,493	•	•	5,820	2,961	2,859
1925	4,335 (1,851)	•	•	6,186	2,233	2,953
1926	5,251 (343)	•	•	5,594	2,921	2,673
1927	2,756 (2,995)	•	•	5,751	2,878	2,873
1928	1,935 (3,213)	•	•	5,148	2,649	2,499
1929	1,724 (3,460)	889	835	5,184	2,667	2,517
1930	1,325 (3,330)	681	644	4,655	2,416	2,239
1931	1,186 (3,386)	611	575	4,572	2,353	2,219
1932	982 (3,416)	490	492	4,398	2,258	2,140
1933	825 (3,097)	449	403	3,922	2,024	1,898
1934	778 (2,915)	407	371	3,693	1,863	1,830
1935	731 (2,834)	390	341	3,565	1,803	1,762
1936	681 (2,570)	860	321	3,251	1,631	1,620
1937	660 (2,458)	353	307	3,118	1,593	1,525
1938	636 (2,527)	326	310	3,163	1,636	1,527
1939	691 (2,439)	368	323	3,130	1,615	1,515
1940	765 (2,572)	401	364	3,337	1,721	1,616
1941	860 (2,388)	466	394	3,248	1,625	1,623

45,794

• Not available.

Compiled by Bureau of Vital Statistics.

[Endorsed]: Filed 4-20-44.

RESPONDENT'S EXHIBIT No. 6

Memorandum:

7 April 1944

Estimate of Dual Citizens of Japanese Ancestry in Territory of
Hawaii as of 1 July 1941

1. Official estimate American-born Japanese	124,351
(Bureau of Vital Statistics)	
2. Japanese Births reported to Bureau of Vital Statistics and not reported to Japanese Consulate	45,794
3. Applications for expatriation	15,537
	61,331
4. Adjustment including deaths, migration and incomplete birth registration	1,125
5. Non dual citizens	60,206
6. Estimated No. of dual citizens	64,145
Aliens	35,183
Dual citizens	64,145
Total	99,328

[Endorsed]: Filed 4-20-44.

RESPONDENT'S EXHIBIT No. 7

Nationality Law

(Law #66, March 16, 1899;

Amended by Law #27 of 1916;

Amended by Law #19 of 1913.)

Article 1.

A child shall be Japanese if at the time of his birth the father is a Japanese. The same is true if the father had died prior to the birth of the child but was a Japanese at the time of his death.

Article 20.

A person who shall have acquired a foreign na-

tionality by his own wish shall lose his Japanese nationality.

Article 20, Sec. 2.

A Japanese born within a foreign country designated by Imperial Ordinance and who by virtue of birth in such country has acquired its nationality shall lose his Japanese nationality retroactive as at the time of birth unless an intention to retain Japanese nationality shall be manifested in accordance with the provisions of law. (This Article added by Law #27, 1916; amended by Law #19, 1924.)

Any person whose Japanese nationality has been retained in accordance with the provisions of the preceding section, or, any person who, by virtue of his birth prior to the designation as provided for in the next preceding section, within a designated foreign country, has acquired the nationality of such foreign country, may expatriate his Japanese nationality on his own desire if he has such foreign nationality and has his residence within such country.

Any person who shall have expatriated in accordance with the provision of the next preceding section shall lose his Japanese nationality.

Census Registration Law

Article 69.

A birth shall be reported within 14 days.

X X X X X

Home Ministry Ordinance #26; Nov. 17, 1924
Regulations for the Enforcement of the
Nationality Law.

Article 2.

If, in accordance with Sub-section 1, Section 2, Article 20 of the Nationality Law, retention of Japanese nationality is intended, the person required to report a birth pursuant to Paragraph 1 or Paragraph 2 of Article 72 of the Census Registration Law shall report and indicate such intention together with report of birth within the time prescribed in Article 69 of the Census Registration Law.

X X X X X

Imperial Ordinance #262, Nov. 17, 1924

Pertaining to Designation of Foreign Countries under Sub-section 1, Section 2, Article 20, Nationality Law.

The following foreign countries are hereby designated in accordance with Sub-section 1, Section 2, Article 20 of the Nationality Law.

1. United States of America
2. Argentina
3. Brazil
4. Canada
5. Chile
6. Peru

Supplementary Rule)

This Ordinance shall take effect on December 1, 1924.

[Endorsed]: Filed 4-20-44.

RESPONDENT'S EXHIBIT No. 8-A

(Copy)

[In longhand]: Appeared in Star-Bulletin Nov. 13th 1943.

By Eugene Burns

Associated Press War Correspondent

Honolulu, Nov. —Oahu could be attacked by Jap planes within four months. Attacked, vital Pearl Harbor installations, army and navy hangars and supply dumps would be primary targets. If incendiaries were used some might be dropped on Honolulu's busy waterfront.

Worse, such an attack might be completed with few Jap planes shot down unless the Japs had the audacity to knife in with a repeat raid.

These are the considered opinions of military experts including Lt. Gen. Robert C. Richardson Jr., commanding army forces in Hawaii and in the central Pacific area.

The bright spot in the dark picture is that Oahu stands ready to destroy any surface or invasion attacks, regardless of their might.

Gen. Richardson expressed these views in a conversation after studying reports about the sighting of an enemy plane the night of October 16. That enemy plane was caught in searchlight beams near Pearl Harbor and escaped.

When the writer said that he was taking bets that Pearl Harbor will be attacked within six months, the general said that he would be willing to reduce the time to four months.

How would the Japs do it is the logical question.

The general replies: Cite one example wherein a 100-plane attack has been stopped. Never. The Germans still raid London. The United Nations' planes, despite flying over hundreds of miles of enemy territory containing radio and sound detection devices, fighter planes and antiaircraft positions, still get their bombloads to their targets with a loss of perhaps five per cent. Never more than 20 per cent.

In the Pacific we recently hit Rabaul catching more than 100 Jap planes on the ground. Wake, Tarawa, Rekata bay—to name a few—are other examples of catching the Jap with his planes down. On Doolittle's Tokyo raid, the carriers Hornet and Enterprise were intercepted 750 miles away by radio-equipped patrol boats and yet Toyko did not repel the attack. Too, the Japs successfully punched through attacks at Pearl Harbor, Manila, Midway, Wake, Guadalcanal, Port Darwin.

Navy Day, Admiral Chester W. Nimitz, commander in chief of the Pacific Ocean areas, stressed the danger of sneak attacks saying that despite the Japs' loss of many surface ships and airplanes "... they are still strong enough to inflict destructive attacks at great distances."

Why should Oahu be the target?

An attack upon this fortress fits into the military scheme. It is beyond calculation what it would be worth to the enemy to cause Pearl Harbor serious damage at this stage of the war. It is the base from which we must defeat Japan. And if this

naval base is destroyed it will delay the defeat of Japan. At the same time, an attack on Oahu offers the Jap carriers some hope of getting back to home base. Hitting the west coast, they might be outflanked and destroyed as was the German warship Bismarck. Hitting Aleutian bases is hardly worth risking the ships.

Too, when our battleline is drawn a thousand miles west of Pearl Harbor—as inevitably it must be—why not send an attacking force around the end of our line to slash at our operations base?

Lt. Gen. Simon Bolivar Buckner Jr., head of the Alaska Defense Command, often pressed this point home to me: "When faced by superior forces, as Japan is now, she chooses to attack rather than to fight a defensive action."

A second Pearl Harbor would fit into the Jap commands' mental picture. For vainglorious face-lifting what could be better propaganda than a second attack on Pearl Harbor with a second set of smoke-filled pictures.

With what would the Japs make such a raid?

It is known that Japan has a first rate carrier force with which she has been extremely cautious since Santa Cruz, October 26, 1942. The chances are remote that she will risk these in ship for ship action. To date, in every action the Japs used carriers only when they had us outnumbered two to one. There remains then the sneak raid use. The Jap command is not timid. Their first six months' bold army and navy campaign wrested

them one of the world's largest and richest empires. Audacity was the chief ingredient.

Why would the Japs attack in the next four months?

The Japs know North Pacific weather, much of which originates in the Jap Kurile islands and in the Japanese current north of Oahu. This warm current meeting the cold Aleutian weather breeds fogs. Within the coming four winter months, the fog belt moves closer to Oahu. December, two years ago, the Japs patiently waited for this fog, then as a storm swept south to Oahu, they sneaked in under its protecting cover.

Which part of the day would they likely come?

More than likely, morning. The Japs' carriers would be laying off during the previous day and they would probably make their run-in as soon as our afternoon patrols had flown out their leg and were returning to Oahu by dark. The Jap carriers would highspeed to within 350 miles of Oahu so that no extra gas tanks on the planes would displace part of their essential destructive bombloads. Bombers launched, the carriers would reverse course quickly.

The Japs more than likely would expend their pilots—each pilot and his comparatively light, quickly built plane would be part of the bomb. With this knowledge, he would ride the bomb home! The Jap has yet to show any fine feeling about saving carrier personnel. During Pearl Harbor, many Jap pilots dropped into the water unable to reach their fleeing carriers. At Dutch Harbor, Jap pilots were heard screaming for their departed carriers.

At Midway, they had no carriers left to come to. However, screening ships, instead of taking personnel off the burning carriers, turned their rifles upon their own ships and to help with the men, according to eyewitness Ens. George H. Gay of Torpedo Squadron 8. At Santa Cruz, the last carrier battle, Lt. Cmdr. William J. (Gus) Widhelm from a liferaft saw many Jap pilots crash dive into the ocean unable to overhaul their fleeing mother ships.

What about our (deletion) sound detection devices? Will they not alert The Rock in time?

The Japs who have many of these devices know their shortcomings as well as ours. (Deletion) Following previous attack patterns, the Japs could come in low, climb quickly and come in from a fairly high altitude to avoid antiaircraft fire and interceptor planes.

Even though our pilots slept in their interceptor planes and had their motors turning it is doubtful if a sufficient number could be at an effective height in time to repel the raid before it reached the objective.

What of our antiaircraft fire?

Most coastal cities have but one cheek facing the ocean threat: Oahu has both cheeks to slap and the back of the neck. With altitude, travelling fast as Jap planes do, the Jap bombers would release their load more than 5,000 feet out from the target.

That gives AA guns xxxxxxx only a few seconds, about ten, if they are lucky before the bombs are released. And many of the gunners behind those batteries have never shot at live swiftly maneuvering

targets—only at sleeves towed slowly at a straight course and at an even speed. If 10 per cent of the enemy planes were shot down before they released, it would be a high score, military officials believe.

It remains that one Pearl Harbor attack (December 7, 1941) did prove successful despite almost weekly alerts and drills; that on March 5, 1942, an enemy plane or planes dropped three or four 500-pound bombs on Tantalus Drive behind Honolulu; that on October 16, 1943, midnight, a lone, slow enemy float-type plane got within searchlight distance of Oahu and was not shot down.

Finally, because the majority of these planes got away—just as ours do after every raid on Jap bases—it means that there is a good chance that many of the Jap planes may actually get away to make a return trip to their carrier—if they find it, or a water landing near destroyers to be rescued if the Jap high command has turned soft. As Gen. Richardson has pointed out: Don't our planes come back from our surprise attacks?

Rest assured, what can be done to repeal an enemy attack is being done on Oahu. The emphasis is on speed. Oahu's military garrison sprang to instant alert when the lone raider appeared last month. Each morning, the commanding general makes his rounds and to his officers he forever drives home this point: "We can be bombed: We will be bombed: We must be ready!" -eb/november 4/1943/2:28p—

AIR

Nov. 9, 1943 .

Dear Mr. Turnblad:

Will you please see that the following deletions are made in Gene Burns' airmailed interview with Gen. Richardson on Hawaii's defense weaknesses? The story inadvertently was mailed without submission to navy censorship.

24th graf, starting at top of page 4 make read "What about our sound detection" etc. Eliminating 2 words "Radio and."

25th graf starting "The Japs who have many" eliminate second sentence starting "Flying x x x." Next sentence make read "Following previous attack patterns, the Japs could come in low, climb quickly" etc. (inserting "could come in low,")

These changes, although they might appear minor, are considered very important by the navy and must be made.

Thanks,

/c/ MAC

Chief of bureau

Charles H. McMurtry

cc for cable desk

Please inform us via Press Wireless or cable when you're releasing story, so can use here and Hilo simultaneously.

MAC

[Endorsed]: Filed 4-20-44.

RESPONDENT'S EXHIBIT No. 8-B

A-4 The Sunday Star, November 14, 1943

Gen. Richardson Sees
Another Pearl Harbor
Attack in 4 Months

By EUGENE BURNS,

Associated Press War Correspondent

HONOLULU, Nov. 13.—The commanding general of Army forces in Hawaii believes another Japanese attack on Pearl Harbor is likely within the next four months.

Vital installations, Army and Navy hangars and supply dumps on Oahu Island would be the primary targets. If incendiaries were used some might be dropped on Honolulu's water front.

These are the considered opinions of military experts, including Lt. Gen. Robert C. Richardson, jr., commanding Army forces in Hawaii and in the Central Pacific area.

Gen. Richardson expressed the views in a conversation after studying reports about the sighting of an enemy plane the night of October 16. That enemy plane was caught in searchlight beams near Pearl Harbor, but it escaped.

Would Be Excellent Propaganda

When the writer said that he was taking bets that Pearl Harbor would be attacked within six months, the general said that he would be willing to reduce the time to four months.

An attack on this Fortress fits into the military

scheme. It is beyond calculation what it would be worth to the enemy to cause Pearl Harbor serious damage at this stage of the war. It is the base from which we must defeat Japan. And if this naval base is destroyed it will delay the defeat of Japan.

For vain glorious facelifting, what could be better propaganda than a second attack on Pearl Harbor?

The bright spot in the picture is that Oahu stands ready to destroy any surface or invasion force, regardless of its might.

Might Try Sneak Raid

Japan has a first rate carrier force with which she has been extremely cautious since Santa Cruz. October 26, 1942. The chances are remote that she would risk these in ship-for-ship action. To date in every action the Japanese used carriers only when they had us outnumbered two to one. There remains then the sneak raid.

Why would the Japanese attack within the next four months?

They know North Pacific weather, much of which originates in the Kurile Islands and in the Japanese Current north of Oahu. This warm current meeting the cold Aleutian weather breeds fogs. Within the coming four winter months, the fog belt moves closer to Oahu. December, two years ago, the Japs patiently waited for this fog, then as a storm swept south to Oahu, they sneaked in under its protecting cover.

Rest assured, what can be done to repel an enemy attack is being done on Oahu. The emphasis is on speed. Oahu's military garrison sprang to instant

alert when the raider appeared last month. Each morning, the commanding general makes his rounds and to his officers he forever drives home this point: "We can be bombed; we will be bombed; we must be ready."

[Endorsed]: Filed 4-20-44.

RESPONDENT'S EXHIBIT No. 10

Territory of Hawaii
Office of the Military Governor
Iolani Palace
Honolulu, T. H.

14 October 1943

General Orders
No. 38

RESCISSION OF GENERAL ORDERS

1. Rescission of General Orders No. 31, this Office, 25 August 1943.

1.01. General Orders No. 31, this office, 25 August 1943, hereby is rescinded.

By order of the Military Governor of the Territory of Hawaii:

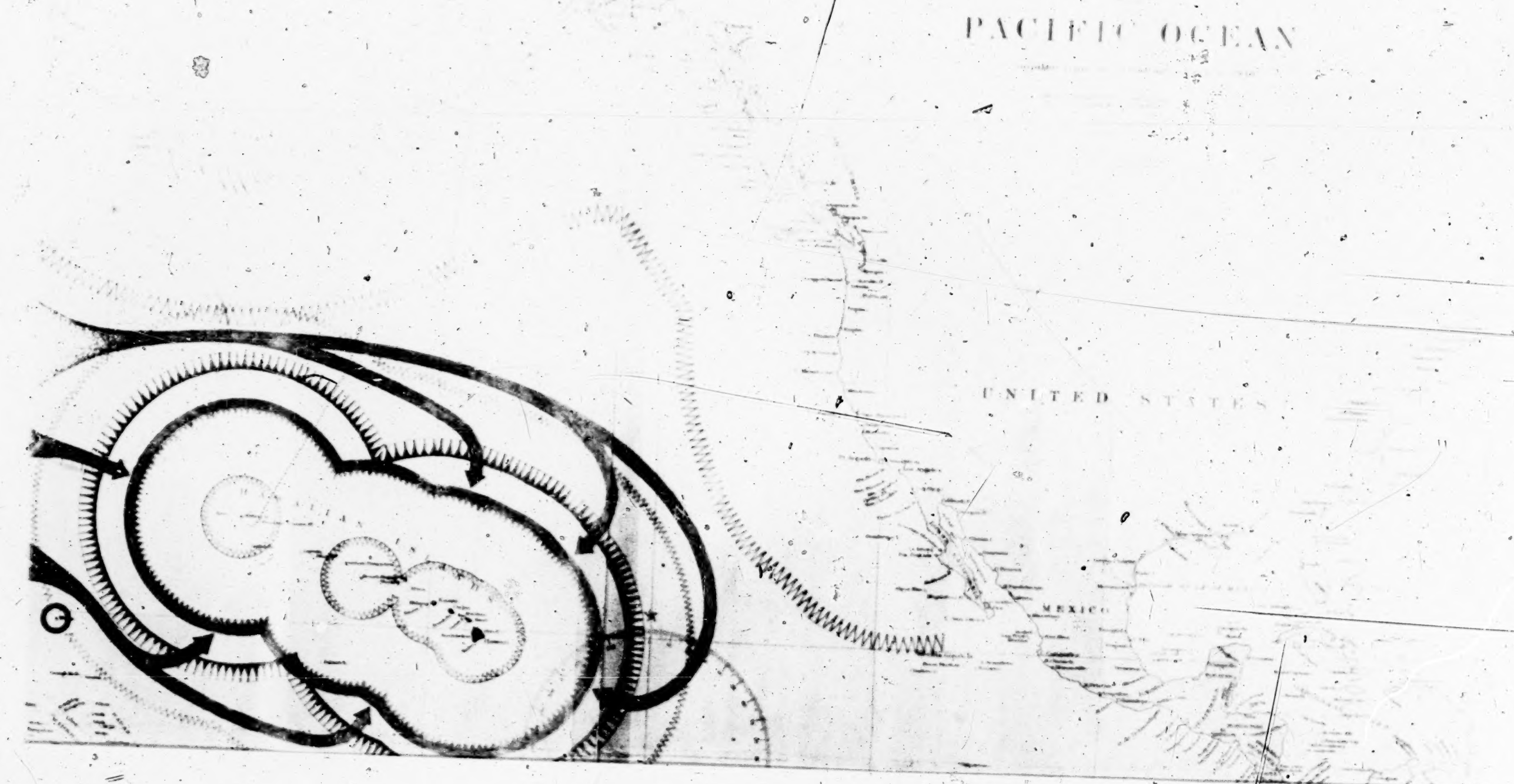
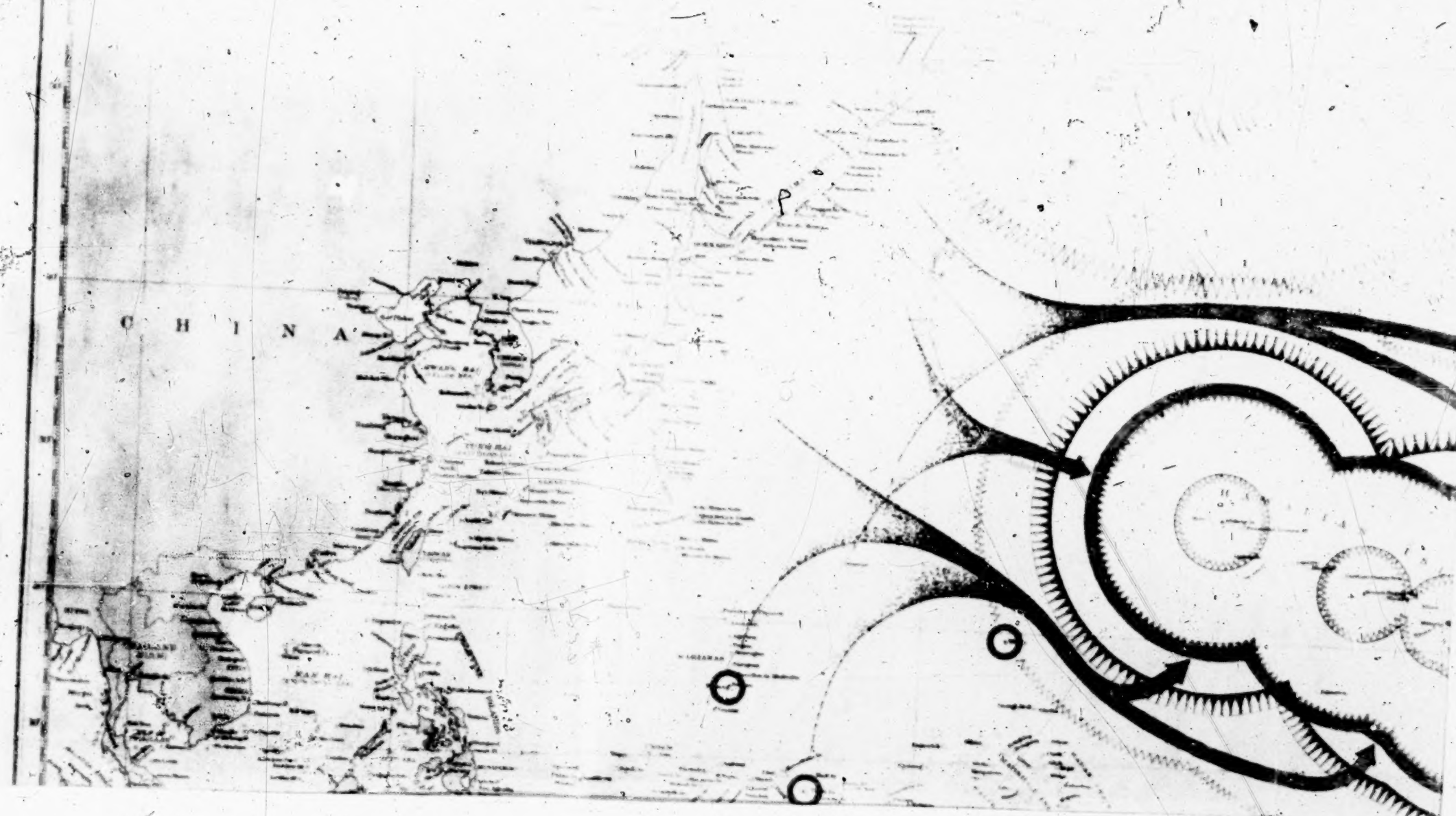
/s/ WM. R. C. MORRISON
Wm. R. C. Morrison
Colonel, J. A. G. D.
Executive

A True Copy:

ROBERT ~~B.~~ GRIFFITH
Robert B. Griffith
Major, Infantry

[Endorsed]: Filed 4-20-44.

H.C.No.300
Respondent's
Exh. No. 9
admitted 4-20-44



RESPONDENT'S EXHIBIT No. 11

THE NAVY'S REPORT ON PEARL HARBOR

Washington, Dec. 5 (UP)—Following is text of the Navy department's report on Pearl Harbor:

1. On the morning of Dec. 7, 1941, Japanese aircraft temporarily disabled every battleship and most of the aircraft in the Hawaiian area. Other naval vessels, both combatant and auxiliary, were out of action and certain shore facilities at the army air bases at Hickam and Wheeler Fields and at the naval air stations at Ford Island and Kaneohe Bay were damaged. The aircraft were all replaced within a few days and interference with facilities generally was limited to a matter of hours.

2. When the Japanese attacked Pearl Harbor, two surface ship task forces of the Pacific Fleet were carrying out assigned missions at sea and two such task forces were at the main base following extensive operations at sea. Discounting small craft, 86 ships of the Pacific fleet were moored in Pearl Harbor. Included were eight battleships, seven cruisers, 28 destroyers and five submarines. No United States aircraft carriers were present.

Five Battleships Disabled

3. As a result of the Japanese attack, five battleships—the Arizona, Oklahoma, California, Nevada and West Virginia—and three destroyers—the Shaw, Cassin and Downes—the minelayer Oglala, the target ship Utah and a large floating drydock either were sunk or damaged so severely that they

would serve no military purposes for some time. In addition, three battleships—the Pennsylvania, Maryland and Tennessee—three cruisers—the Helena, Honolulu and Raleigh—the seaplane carrier Curtiss and the repair ship Vestal were damaged.

4. Of the 19 naval vessels listed above as sunk or damaged, the 26 year old battleship Arizona will be the only one permanently and totally lost. Preparations for righting the Oklahoma now are in process, although a final decision as to the wisdom of accomplishing this work at this time has not been made.

Salvage, Repair 15 Ships

Main and auxiliary machinery of approximately 15 percent of the value of the Cassin and Downes was saved. The other 15 vessels either have been or will be salvaged and repaired.

The eight vessels described in the second sentence of paragraph three returned to the fleet months ago. A number of the vessels described in the first sentence of paragraph three now are in full service, but certain others which required extensive machinery and intricate electrical overhauling as well as refloating and hull repairing are not yet ready for battle action. Naval repair yards are taking advantage of these inherent delays to install numerous modern features of improvement.

To designate these vessels by name now would give the enemy information vital to his war plans. Similar information regarding enemy ships which our forces subsequently damaged but did not destroy is denied to us.

On Dec. 15, only eight days after the Japanese attack and at a time when there was an immediate possibility of the enemy's coming back the Secretary of the Navy announced that the Arizona, Shaw, Cassin, Downes, Utah, and Oglala had been lost, the Oklahoma capsized and other vessels damaged.

Repairs Exceeded Hopes

Fortunately, salvage and repair accomplishments at Pearl Harbor exceeded the most hopeful expectations.

Eighty naval aircraft of all types were destroyed by the enemy. In addition, the army lost 97 planes at Hickam and Wheeler Fields. Of these, 23 were bombers, 66 were fighters and eight were other types.

The most serious American losses were in personnel. As a result of the raid on Dec. 7, 2,117 officers and enlisted men of the Navy and Marine Corps were killed, 960 still are reported missing and 876 were wounded but survived. Army casualties were as follows: 226 officers and enlisted men killed or later died of wounds, 396 wounded, most of whom now have recovered and returned to duty.

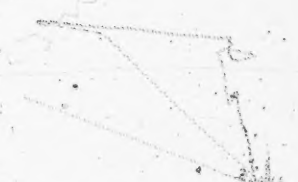
At 7:55 a.m. Dec. 7, Japanese dive-bombers swarmed over the Army air base at Hickam Field and the Naval air station on Ford Island. A few minutes earlier, the Japanese had struck at the Naval air station at Kaneohe Bay. Bare seconds later, enemy torpedo planes and dive-bombers swung in from various sectors to concentrate an attack on heavy ships in Pearl Harbor.

Attack Based on Exact Data

The enemy attack, aided by the element of surprise and based on exact information, was very successful. Torpedo planes, assisted effectively by dive-bombers, constituted the major threat in the first phase of the Japanese attack, lasting approximately half an hour. Twenty-one torpedo planes made four attacks and 30 dive-bombers came in eight waves during the period. Fifteen horizontal bombers also participated in this phase of the raid.

Although the Japanese launched their initial attack as a surprise, the battleships were ready and machineguns opened fire at once and were progressively augmented by remaining antiaircraft batteries as all hands promptly were called to general quarters. Machine guns brought down two and damaged others in the first wave of torpedo planes. Practically all battleship antiaircraft batteries were firing within five minutes, cruisers within an average time of four minutes, and destroyers, opening up with their machine guns almost immediately, averaged seven minutes in bringing all antiaircraft guns into action.

From 8:25 to 8:40 a.m., there was a comparative lull in the raid, although air activity continued with sporadic attacks by dive and horizontal bombers. This respite was terminated by the appearance of horizontal bombers which crossed and recrossed their targets from various directions and caused serious damage.



Dive-Bombers Return

While the horizontal bombers were continuing their raids, Japanese dive-bombers reappeared, probably being the same ones that participated in the earlier attacks. This phase, lasting about half an hour, was devoted largely to strafing. All enemy aircraft retired by 9:45 a.m.

Prior to the Japanese attack there were 202 U. S. naval aircraft of all types on the island of Oahu in flying condition, but 150 of these were permanently or temporarily disabled by the enemy's concentrated assault, most of them in the first few minutes of the raid. Of the 52 remaining naval aircraft, 38 took to the air on Dec. 7, the other 14 being ready too late in the day or being blocked from take-off positions.

Of necessity, the Navy was compelled to depend on antiaircraft fire for its primary defensive weapon and this condition exposed the fleet to continuous air attack.

By coincidence, 18 scout bombing planes from a U. S. aircraft carrier were en route and arrived at Pearl Harbor during the raid. These were included in the foregoing figures. Four of these scout bombers were shot down, 13 of the remaining 14 taking off again in search of the enemy. Seven patrol planes were in the air when the attack started.

There was a total of 273 army planes on the Island of Oahu on Dec. 7. Very few of these were able to take off because of damage to runways at Hickam and Wheeler Fields.

It was difficult to determine the total number of enemy aircraft participating in the raid, but a careful analysis of all reports makes it possible to estimate the number as 21 torpedo planes, 48 dive-bombers and 36 horizontal bombers, totalling 105 planes of all types. Undoubtly certain fighter planes also were present, but these were not distinguished by types and are included in the above figures.

Japs Lost 48 Planes

The enemy lost 28 aircraft due to Navy action, and the few Army pursuit planes that were able to take off shot down more than 20 Japanese planes. In addition, three submarines of 45 tons each were accounted for.

Damage suffered by the U. S. Pacific Fleet as a result of the Japanese attack on Dec. 7 was most serious, but the repair job now has been nearly completed and thanks to the inspired and unceasing efforts of naval and civilian personnel attached to various repair yards, especially at Pearl Harbor itself, this initial handicap soon will be erased forever.

[Endorsed]: Filed 4-20-44.

RESPONDENT'S EXHIBIT No. 12

Confidential

Headquarters United States Army Forces

Central Pacific Area

Office of the Assistant Chief of Staff
for Military Intelligence

Counter Intelligence Division

Box 3, APO 456

In reply refer to:

10 April 1944

MEMORANDUM FOR THE OFFICE OF THE
MILITARY GOVERNOR:

Subject: Japanese Internment

The following data are from the official files of this office:

a. Number of Japanese interned, Territory of Hawaii, from
7 December 1941, to 10 April 1944

1,396

Aliens	Dual Citizens	American Citizens
857	504	35

(1) Released or Paroled 217

Aliens	Dual Citizens	American Citizens
137	60	20

(2) Relocated on Mainland 313

Aliens	Dual Citizens	American Citizens
7	300	6

(3) Repatriated to Japan (All Aliens) 70

(4) Deceased (All Aliens) 10

610

(5) Remainder in Custody 786

	Aliens	Dual Citizens	American Citizens
On Mainland	597	—	—
In Territory	36	144	9

BYRON M. MEURLOTT

Major, M. I.,

Assistant A. C. of S., G-2 (CID)

Confidential

[Endorsed]: Filed 4-20-44.

RESPONDENT'S EXHIBIT No. 13

In the District Court of the United States in and
for the Territory of Hawaii

Habeas Corpus No. 298

In the Matter of the Application of

LLOYD C. DUNCAN

For a Writ of Habeas Corpus.

United States of America

Territory of Hawaii

City and County of Honolulu ss.

I, C. W. Nimitz, Admiral, U. S. Navy, Commander in Chief, U. S. Pacific Fleet and Pacific Ocean Areas being first duly sworn on oath depose and say:

That I was graduated from the United States Naval Academy in 1905 as a Passed Midshipman and have been and still am on active duty in the United States Navy; that since that time I have received periodic promotion in rank including my promotion to the rank of Admiral on December 31, 1941; that on December 18, 1941 I was appointed Commander in Chief of the Pacific Fleet and assumed command thereof 31 December 1941, and thereafter I was appointed Commander in Chief of the Pacific Ocean Areas which said commands I have held continuously since the times of my appointments.

During the course of my active duty I have been assigned duty on the battleship Ohio, the light cruiser Baltimore, the gunboat Panay and the

destroyer Decatur. I have commanded the submarines Plunger, C-5, D-1 and E-1, and in May 1912 became group commander of the Atlantic submarine flotilla; thereafter I was ~~assigned~~ duty at the Navy Yard, New York, supervising the construction of Diesel engines, two of which were installed in the tanker Maumee, in which I served in 1916 as chief engineer and executive officer; thereafter in 1917-1918 I served on the staff of Commander, Submarines, in the cruiser Chicago.

That in September 1918 I was assigned duty in the office of the Chief of Naval Operations, Washington, D. C., and in May 1919 returned to sea as executive officer of the battleship South Carolina.

In July 1920 I came to the Hawaiian Area as Commander Submarine Division 14 and as Commander, Submarine Base, Pearl Harbor.

Thereafter on June 1923 I graduated from the Naval War College and joined the staff of the Commander in Chief, Battle Fleet, Admiral S. S. Robison, with whom I continued as assistant chief of staff when Admiral Robison became Commander in Chief of the United States Fleet.

In 1929 I assumed command of Submarine Division 20 and from 1931 to 1933 commanded the Destroyer Base, San Diego; thereafter from 1933 to 1935 I commanded the heavy cruiser Augusta until 1935 when I became Assistant Chief of the Bureau of Navigation; thereafter in 1938 I assumed command of Battleship Division One, and remained on said command until detached in 1939 to become Chief of the Bureau of Navigation.

Based on my experience and observations gained through my official position in the Territory of Hawaii and the Pacific Ocean Areas since December 18, 1941, I make the following statements of fact and expressions of opinion:

1. That the Territory of Hawaii now is, and at all times since the attack thereon and the invasion thereof by the armed forces of the Empire of Japan on December 7, 1941, has been, an actual theater of the war between the United States and the Empire of Japan; that active military, naval, and air operations of said war now exist and are being conducted and have existed and continued in the said Territory of Hawaii since the said attack thereon and invasion thereof on December 7, 1941, as aforesaid.

2. That it is my opinion that the said Territory of Hawaii now is, and at all times since the attack thereon and the invasion thereof by the armed forces of the Empire of Japan on December 7, 1941, has been, in imminent danger of invasion by the armed forces and other agents and agencies of the Empire of Japan; that it is my opinion that the public safety of the Territory of Hawaii and of the United States now requires, and at all times since the said attack on and the said invasion of the said Territory of Hawaii by the said armed forces of the Empire of Japan on December 7, 1941, has required, that the privilege of the writ of habeas corpus be and remain suspended within the Territory of Hawaii and that the Territory of Hawaii be placed and remain under martial law; that it is my opinion that the said suspension of the privilege of

the writ of habeas corpus now is necessary, and has been necessary at all times since the said attack and invasion upon December 7, 1941, for the prosecution in the Territory of Hawaii by the United States of the war against the Empire of Japan; that it is my opinion that martial law now is necessary, and at all times since the said attack and invasion on December 7, 1941, has been necessary, for the prosecution in the Territory of Hawaii by the United States of the war against the Empire of Japan; that it is my opinion that the issuance and enforcement of the General Orders, numbers 1 to 53, issued by Robert C. Richardson, Jr., Lieutenant General, United States Army, in his capacity as the Commanding General, United States Army Forces, Central Pacific Area, and as the Military Governor of the Territory of Hawaii; between March 10, 1943, and March 2, 1944, both dates inclusive, and the enforcement thereof, now are and at all times since the issuance thereof, were necessary for the prosecution in the Territory of Hawaii by the United States of the war against the Empire of Japan; that it is my opinion that the trial and conviction of Lloyd Clifford Duncan on March 2, 1944, by Arthur L. Mundo, Lieutenant Commander, United States Navy, (Ret.), Provost Court, Pearl Harbor, T. H., in Case No. 650-44 of said Provost Court, for a violation of Paragraph 8.01, Title 8, General Orders No. 2, Office of the Military Governor, 10 March 1943, and the imposition and execution of the sentence imposed upon said Lloyd Clifford Duncan in said case, were and are necessary for the prosecu-

tion in the Territory of Hawaii by the United States of the said war against the Empire of Japan.

/S/ C. W. NIMITZ

C. W. Nimitz

Admiral, U. S. Navy

Commander in Chief U. S.

Pacific Fleet, and Pacific

Ocean Areas

Subscribed and sworn to before me this 22nd day of March, 1944.

/S/ NAT LOGAN SMITH

Notary Public, First Judicial Circuit, Territory of Hawaii.

My commission expires March 28, 1947.

[Endorsed] Filed 4/20/44.

RESPONDENT'S EXHIBIT No. 14.

In the District Court of the United States in and for the Territory of Hawaii

Habeas Corpus No. 298

In the Matter of the Application of

LLOYD C. DUNCAN.

For a Writ of Habeas Corpus.

United States of America

Territory of Hawaii

City and County of Honolulu—ss.

I, Robert C. Richardson, Jr., Lieutenant General, United States Army, Commanding General, United

States Army Forces, Central Pacific Area, being first duly sworn on oath depose and say:

That I was graduated from the United States Military Academy June 15, 1904, and commissioned a Second Lieutenant; that thereafter and at various times I received succeeding promotions in the United States Army including my promotion to the rank of Lieutenant General (temporary) on June 1, 1943.

That I served with the United States Army in the Philippines during which service I was engaged in the field against hostile forces at Jolo and participated in various engagements against the insurgents during the year 1905; that my service thereafter was within the continental United States until I was again ordered to the Philippines, where I served until March 4, 1912; that thereafter I returned to the continental United States where I served at various stations, including a tour of duty as an assistant professor at the United States Military Academy, until December 1, 1917, at which time I was ordered to France where I served as Aide and observer with foreign armies until January 9, 1918.

I served with the Operations Division, General Staff, American Expeditionary Forces, to June 14, 1918; as Liaison Officer for G.H.Q. with Allied Headquarters and with American Armies, Corps and Divisions during the operations of 1918; escorted Allied Missions in St. Mihiel offensive; was Liaison Officer at Headquarters, 1st Army, for opening of Meuse-Argonne offensive; was repre-

representative of Operations Officer, at Advance General Headquarters, to January 28, 1919; served with Reparations Board, Peace Commission, Paris, France, to February 28, 1919; served on temporary duty at Headquarters, Third Army, Coblenz, Germany, and was attached to Headquarters, 10th French Army, Mayence, Germany, to June 1, 1919; returned to the United States on July 6, 1919, and served with the War Plans Division, War Department General Staff, Washington, D. C., to August 9, 1920; and in the office of the Chief of Cavalry, to January 28, 1921.

After approximately two years of further service in the Philippine Department I returned to the United States on April 6, 1923, and thereafter I attended the Command and General Staff School, Fort Leavenworth, Kansas, and the Ecole Supérieure de Guerre, Paris, France. Thereafter I served as Military Attache, Rome, Italy, to March 21, 1928.

I was appointed Commanding Officer, Provisional Battalion, and Executive Officer, United States Military Academy, and served as such until March 2, 1929; and Commandant of Cadets and Head of the Department of Tactics to June 30, 1933. Thereafter I was graduated on June 30, 1934, from the Army War College, Washington, D. C., and served with the Military Intelligence Division, War Department General Staff, to December 7, 1935.

My commands thereafter included the 5th Cavalry at Fort Clark, Texas, until June, 1938, the 2nd Cavalry Brigade at Fort Bliss, Texas. On Feb-

February 11, 1939 I was appointed as Commandant of the Cavalry School, Fort Riley, Kansas; commanded the 1st Cavalry Division, Fort Bliss, Texas; and on February 11, 1941 was appointed Director of the Bureau of Public Relations, Washington, D. C.

On July 17, 1941 I was assigned to command the VII Army Corps with headquarters at Birmingham, Alabama and later, after the outbreak of hostilities, was ordered to San Jose, California as Commanding-General of the Northern California Sector of the Western Defense Command and VII Army Corps.

In May 1942 I was selected to represent the Chief of Staff on a tour of inspection in the Pacific during which I conferred with General MacArthur in Australia and visited Hawaii, New Caledonia and New Guinea.

On June 1, 1943 I assumed the command of the Hawaiian Department and the position of Military Governor of the Territory of Hawaii and thereafter on August 14, 1943, in compliance with a directive from the President, I assumed command of all United States Army forces in the Central Pacific Area which said command I held on 2 March 1944 and still hold.

In my official position as Commanding General, United States Army Forces, Central Pacific Area, I have access to and there is communicated to me Military and Naval information of a highly secretive and confidential nature relating to the prosecution of the war against the Empire of Japan by the

United States within this theater of war of which the Territory of Hawaii constitutes a part, and based thereon and my experience and observations in the Territory of Hawaii and the entire Central Pacific Area, I make the following statements of fact and expressions of opinion:

1. That the Territory of Hawaii now is, and at all times since the attack thereon and the invasion thereof by the armed forces of the Empire of Japan on December 7, 1941, has been, an actual theater of the war between the United States and the Empire of Japan; that active land, naval, and air operations of said war now exist and are being conducted and have existed and continued in the said Territory of Hawaii since the said attack thereon and invasion thereof on December 7, 1941, as aforesaid.

2. That it is my opinion that the said Territory of Hawaii now is, and at all times since the attack thereon and the invasion thereof by the armed forces of the Empire of Japan on December 7, 1941, has been, in imminent danger of invasion by the armed forces and other agents and agencies of the Empire of Japan; that it is my opinion that the public safety of the Territory of Hawaii and of the United States now requires, and at all times since the said attack on and the said invasion of the said Territory of Hawaii by the said armed forces of the Empire of Japan on December 7, 1941, has required, that the privilege of the writ of habeas corpus be and remain suspended within the Territory

of Hawaii and that the Territory of Hawaii be placed and remain under martial law; that it is my opinion that the said suspension of the privilege of the writ of habeas corpus now is necessary, and has been necessary at all times since the said attack and invasion upon December 7, 1941, for the prosecution in the Territory of Hawaii by the United States of the war against the Empire of Japan; that it is my opinion that martial law now is necessary, and at all times since the said attack and invasion on December 7, 1941, has been necessary, for the prosecution in the Territory of Hawaii by the United States of the war against the Empire of Japan; that it is my opinion that the issuance of General Orders, Numbers 1 to 53, inclusive, issued by me in my capacity as the Commanding General, United States Army Forces, Central Pacific Area, and as the Military Governor of the Territory of Hawaii, between March 10, 1943, and March 2, 1944, both dates inclusive, and the enforcement thereof, now are and at all times since the issuance thereof, now are and at all times since the issuance thereof, were necessary for the prosecution in the Territory of Hawaii by the United States of the war against the Empire of Japan; that it is my opinion that the trial and conviction of Lloyd Clifford Duncan on March 2, 1944, by Arthur L. Mande, Lieutenant Commander, United States Navy (Ret.), Provost Court, Pearl Harbor, T. H., in Case No. 650-44 of said Provost Court, for a violation of Paragraph 8.01, Title 8, General Orders No. 2, Office of the Military Governor, 10 March 1943, and the imposition and execution of the sentence imposed upon

said Lloyd Clifford Duncan in said case, were and are necessary for the prosecution in the Territory of Hawaii by the United States of the said war against the Empire of Japan.

/s/ ROBERT C. RICHARDSON, JR.

Robert C. Richardson, Jr.

Lieutenant General, United
States Army

Commanding General, United
States Army Forces, Cen-
tral Pacific Area

Subscribed and sworn to before me this 24th day
of March, 1944.

/s/ N. F. JOHNSON

Notary Public, First Judicial Circuit, Territory of
Hawaii

My commission expires November 28, 1946

[Endorsed]: Filed 4/20/44.

RESPONDENT'S EXHIBIT No. 15

Territory of Hawaii

Office of the Military Governor

Fort Shafter, T. H.

7 December 1941

(General Orders)

(No. 4)

By virtue of the power vested in me as Military Governor, the following policy governing the trial of civilians by Military Commission and Provost

Courts is announced for the information and guidance of all concerned:

1. Military commissions and provost courts shall have power to try and determine any case involving an offense committed against the laws of the United States, the laws of the Territory of Hawaii or the rules, regulations, orders or policies of the military authorities. The jurisdiction thus given does not include the right to try commissioned and enlisted personnel of the United States Army and Navy. Such persons shall be turned over to their respective services for disposition.

2. Military commissions and provost courts will adjudge sentences commensurate with the offense committed. Ordinarily, the sentence will not exceed the limit of punishment prescribed for similar offenses by the laws of the United States or the Territory of Hawaii. However, the courts may adjudge an appropriate sentence.

3. The record of trial in cases before military commissions will be substantially similar to that required in a special court-martial. The record of trial in cases before provost courts will be substantially similar to that in the case of a Summary Court-Martial.

4. The procedure in trials before Military commissions and provost courts will follow, so far as it is applicable, the procedure required for Special and Summary Courts-Martial respectively.

5. The records of trial in all cases will be forwarded to the Department Judge Advocate. The

sentences adjudged by provost courts shall become effective immediately. The sentence adjudged by a military commission shall not become effective until it shall have been approved by the Military Governor.

6. All charges against civilian prisoners shall be preferred by the Department Provost Marshall, or one of his assistants.

7. The Provost Marshall is responsible for the prompt trial of all civilian prisoners and for carrying out the sentence adjudged by the court.

8. Charges involving all major offenses shall be referred to a military commission for trial. Other cases of lesser degree shall be referred to provost courts. The maximum punishment which a provost court may adjudge is confinement for a period of five years, and a fine of not to exceed \$5,000. Military commissions may adjudge punishment commensurate with the offense committed and may adjudge the death penalty in appropriate cases.

9. In adjudging sentences, provost courts and military commissions will be guided by, but not limited to the penalties authorized by the court-martial manual, the laws of the United States, the Territory of Hawaii, the District of Columbia, and the customs of laws in like cases.

Harry E. White

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By order of the Military Governor:

(Signed) **THOMAS H. GREEN**

Thomas H. Green

Lt. Col., J.A.G.D.

Executive Officer

A True Copy:

(s) **JAMES F. HANLEY,**

Major, J.A.G.D.

[Endorsed]: Filed 4/20/44.

RESPONDENT'S EXHIBIT No. 16

Honolulu Star-Bulletin, Wednesday, March

10, 1943

**GENERAL ORDERS
OF THE
MILITARY GOVERNOR
TERRITORY OF HAWAII**

The proclamations of February 8, 1943, provided for the relinquishment to the proper civilian authorities of a portion of the functions created and performed under my direction as Military Governor. Those proclamations also provided that those parts of all military orders affecting the functions so relinquished were to be revoked thirty days after the date of the proclamations.

I have recognized that the rescission of some General Orders and the retention of others might confuse the public unless proper clarification is

Respondent's Exhibit No. 16—(Continued)

made of the General Orders which will continue in effect. Therefore, it has been considered advisable to rescind all previous General Orders of this office, effective March 10, 1943, and to issue a new series of General Orders codifying all regulations presently necessary. The new series consists of fourteen General Orders which are the only ones applicable in the Territory of Hawaii commencing this date, March 10, 1943. They are published herewith, grouped in one publication for convenience.

No district regulations will be published for separate islands; regulations applicable to one of the islands of the Territory and not to others, will be considered on the recommendation of the Commanding Generals of the respective districts and will be incorporated in the General Orders hereafter issued by this office.

It is recognized that amendments to these General Orders may be necessary and additional Orders may issue covering new subjects. These will appear in your newspapers from time to time.

It is, of course, difficult to promulgate regulations with the maximum of brevity and still convey the full contents of the desired policy. Any question of interpretation or any suggestions will be given prompt consideration.

DELOS C. EMMONS

Lieutenant General, United States Army
Commanding General, Hawaiian Department
Military Governor of the Territory of Hawaii

Respondent's Exhibit No. 16—(Continued)

General Orders No. 1

Appointment of Executive and Assistant
Executive

General Orders No. 2

Courts and Commissions and Offenses Relating
to the Administration of Justice

General Orders No. 3

General Orders No. 4

Blackout

Air Raid

General Orders No. 5

Civilian Security

General Orders No. 6

Aliens

General Orders No. 7

Military Areas

General Orders No. 8

Identification and Registration

General Orders No. 9

Communications

General Orders No. 10

Labor

General Orders No. 11

Military Property

General Orders No. 12

Travel

Respondent's Exhibit No. 16—(Continued)

General Orders No. 13

Rescission of General Orders Nos. 1 to 181,
Inclusive, Saving Clause, and Effective Date
of General Orders Nos. 1 to 14, Inclusive,
This Office, Dated 10 March 1943

General Orders No. 14

Organization of the Office of the Military Gov-
ernor

10 March 1943

GENERAL ORDERS No. 1

1. Executive.

1.01 Thomas H. Green, Brigadier General,
A.U.S., hereby is appointed Executive of the Mil-
itary Governor.

2. Assistant Executive.

2.01 William R. C. Morrison, Colonel, J.A.G.D.,
hereby is appointed Assistant Executive of the
Military Governor.

DELOS C. EMMONS

Lieutenant General, United States Army
Commanding General, Hawaiian Department
Military Governor of the Territory of Hawaii

Respondent's Exhibit No. 16 (Continued)

16 March 1943

GENERAL ORDERS No. 2

**Courts and Commissions and Offenses
Relating to the Administration of Justice**

1. Martial Law and the Writ of Habeas Corpus.
2. Civil Courts.
3. Provost Courts and Military Commissions.
4. Military Commissions.
5. Provost Courts.
6. Provost Court Commissioner.
7. Attempts and Conspiracies to Violate a General Orders.
8. Interference with Military Police and Personnel.
9. False Statements to, or Misusing Authorizations Granted by, Agencies of the Military Governor.
10. Power of Civilian Police Officer to Make Arrests for Violation of General Orders of the Military Governor.
11. Definition of "Person."
12. Prosecution of Offenses under Rescinded General Orders.

1. Martial Law and the Writ of Habeas Corpus.

1.01. A state of martial law remains in effect and the privilege of the writ of habeas corpus has been, and remains, suspended.

2. Civil Courts (Pursuant to Proclamations of February 8, 1943).

Respondent's Exhibit No. 16—(Continued)

2.01 Civil courts are authorized to exercise their normal jurisdiction as provided by law, except that such courts shall not have jurisdiction of the following:

Criminal prosecutions against members of the armed forces. Members of auxiliary armed forces shall be included within the term "armed forces" after induction into the service and also before induction in respect of any act or omission certified by the Commanding General, Hawaiian Department, to be in the line of duty;

Civil suits against members of the armed forces, as defined above, in respect of any act or omission certified by the Commanding General, Hawaiian Department, to be in the line of duty;

Criminal prosecutions for violations of military orders.

2.02. The Commanding General, Hawaiian Department, may waive the above exception with respect to any particular prosecution or suit, or any class of prosecutions or suits, thereby permitting such prosecutions or suits to be tried in the appropriate court of the territory or in the United States District Court for Hawaii, as the case may be.

3. Provost Courts and Military Commissions.

3.01. Provost Courts and Military Commissions shall have jurisdiction and power, and hereby are authorized and empowered, to try and determine any case, matter, or proceeding involving any violation or violations by a civilian or civilians of the

Respondent's Exhibit No. 16—(Continued)

rules, regulations, proclamations, or Orders of the Military or Naval authorities, or of the Military Governor of the Territory of Hawaii, or of the laws of war; and, such Provost Courts and Military Commissions in addition to the power to impose upon or against any person or persons charged or tried in any such case, matter, or proceeding, the penalties, forfeitures, and similar punishment otherwise authorized by the General Orders of the Military Governor, shall have power, and hereby are authorized and empowered, to punish any such person or persons committing such violation or violations, or offense or offenses, by fine or imprisonment with or without hard labor, or by both such fine and imprisonment, as may be ordered or provided in the General Orders of the Military Governor. Such Provost Courts or Military Commissions shall have jurisdiction, and power, and hereby are authorized and empowered, to try and punish members of the Armed Forces of the United States only for violations of any statute of the Territory of Hawaii, or of any ordinance, resolution, by-law, regulation, or rule of any city, city and county, ~~county~~, or other municipal corporation or political subdivision of the Territory of Hawaii, or of any order, regulation, or rule of the Military or Naval authorities or of the Military Governor of the Territory of Hawaii, regulating or relating to vehicular or pedestrian traffic. The concurrent jurisdiction of the Armed

Respondent's Exhibit No. 16—(Continued)

Forces of the United States to court-martial or otherwise discipline commissioned or enlisted personnel of their respective services for such traffic offenses is not withdrawn by anything herein contained.

3.02. Charges involving major offenses shall be referred to a Military Commission for trial and determination, unless otherwise ordered by the Military Governor of the Territory of Hawaii. Other cases involving charges of lesser degree shall be tried and determined by Provost Courts. Military Commissions and Provost Courts will adjudge appropriate sentences commensurate with the offense. In adjudging such sentences, Provost Courts and Military Commissions will be guided by, but not limited to or bound by, the penalties provided by the Courts-Martial Manual, the laws of the United States, the laws of the Territory of Hawaii, the laws of the District of Columbia, county, and city and county ordinances, and the customs of law in like cases. The maximum fine or confinement, or both fine and confinement, which a Provost Court may adjudge as punishment, is confinement with or without hard labor for a period not to exceed five (5) years, or a fine not to exceed five thousand dollars (\$5,000.00), or both such confinement and fine. The foregoing limitation on the fine or confinement, or fine and confinement, that a Provost Court may adjudge, shall not restrict the power and authority of such a Provost Court to order and

Respondent's Exhibit No. 16—(Continued)

direct the confiscation and destruction of property, the suspension, cancellation, or revocation of licenses, or such other penalties or sentences in addition to such fine or confinement, or both, as may be provided by this or any other General Orders of the Military Governor. Military Commissions may adjudge confinement with or without hard labor for any number of years, or for life, or may adjudge the death penalty, and may impose fines with or without such confinement, in any case tried and determined by a Military Commission. The sentences adjudged by a Provost Court shall become effective immediately. The sentence adjudged by a Military Commission shall not become effective until it shall have been approved by the Military Governor.

3.03. Any person who fails, neglects, or refuses to comply with any subpoena, summons, citation, notice, warrant of arrest, commitment, order of commitment, or other process, issued by a Provost Court, a Military Commission, the Trial Judge Advocate of a Military Commission, or by any duly authorized agent or representative of such a Provost Court or Military Commission, or who uses any menacing words, signs or gestures in the presence of a Provost Court or Military Commission, or who disturbs the proceedings of a Provost Court or Military Commission by a riot or disorder or in any manner, or who in any manner or way wilfully disobeys any rule or order of a Provost Court

Respondent's Exhibit No. 16—(Continued)
or Military Commission, shall be deemed to be guilty of contempt of such Provost Court or Military Commission, and may be tried and punished for such contempt by such Provost Court or Military Commission summarily or as such Provost Court or Military Commission may otherwise determine.

3.04. Provost Courts and Military Commissions, in addition to the power to impose a fine or confinement, or both such fine and confinement, as otherwise authorized in this General Orders or any other General Orders of the Military Governor of the Territory of Hawaii, upon conviction of a person for a violation of a General Orders of the Military Governor or for any offense that may be tried and determined by such Provost Courts or Military Commissions, shall have power and hereby are authorized and empowered to suspend, cancel, or revoke, or direct or order the suspension, cancellation, or revocation of any license, franchise, or permit of a personal nature issued by the Military Governor or any agent or representative thereof to the person so convicted, and also shall have power and hereby are authorized and empowered, upon conviction of any person as aforesaid, to suspend, cancel, or revoke, or order or direct the suspension, cancellation, or revocation of, any license, permit, or franchise of a personal nature issued to such person so convicted by any federal or territorial officer, department, agent or agency, or by any de-

Respondent's Exhibit No. 16—(Continued)

partment, officer, agent or agency of any municipal corporation or other political subdivision within the Territory of Hawaii.

3.05. In all cases of violation of any provision of any General Orders of the Military Governor, where no other or different provision for fine or confinement or both is provided by such General Orders, the maximum fine or confinement, or both fine and confinement, that a Provost Court may impose, shall be a fine not to exceed five thousand dollars (\$5,000.00), or confinement with or without hard labor not to exceed five (5) years, or both such fine and confinement. The limitations on punishment in any General Orders defining an offense and providing a punishment for such offense shall not be deemed a limitation upon the punishment or sentence that a Military Commission may impose if such offense be tried and determined by a Military Commission rather than by a Provost Court.

3.06. Provost Courts and Military Commissions hereby are authorized and empowered to forfeit or confiscate or to order or direct the forfeiture or confiscation or other disposition of any personal property used, or having for its sole purpose use, in the commission of a violation of any of the provisions of any of the General Orders of the Military Governor now in full force and effect or hereafter enacted or issued.

3.07. Provost Courts hereby are authorized, empowered, and directed, and Military Commissions

Respondent's Exhibit No. 16—(Continued)

hereby are authorized and empowered in their discretion, to admit persons arrested for or charged with an offense triable by such Provost Courts or Military Commissions to cash bail, to fix and accept said bail, provided, however, that such bail shall not be excessive, to determine the conditions subject to which such bail may be or is furnished, and to order and direct forfeiture thereof, and the manner in which the said bail may be forfeited. The police departments of any county, or city and county, within the Territory of Hawaii, when authorized, empowered, and directed to do so by the Military Governor of the Territory of Hawaii, may also fix and accept bail for offenses triable by such Provost Courts. Bail may be set by the Provost Court Commissioner.

3.08. The record of trial in cases before Military Commissions will be substantially similar to that required in a general courts-martial. The record of trial in cases before Provost Courts will be substantially similar to that in the case of a summary courts-martial. The procedure in trials before Military Commissions and Provost Courts will follow so far as it is applicable, the procedure required by general and summary courts-martial respectively. The records of trial in all cases will be forwarded to the Office of the Military Governor.

3.09. All charges brought in the Provost Courts or before Military Commissions shall be preferred

Respondent's Exhibit No. 16—(Continued)

by either the Provost Marshal, Hawaiian Department, the Provost Marshal of a Military district within said Hawaiian Department, or such deputies or assistants of said Provost Marshals and such other persons as first shall be approved by the Military Governor. The Provost Court Commissioner is responsible for the prompt trial of all prisoners in Provost Courts or before Military Commissions, and the Provost Marshals shall be responsible for carrying out the sentence adjudged by the Court or Commission.

4. Military Commissions.

4.01. A Military Commission hereby is appointed to meet at such times and places within the Territory of Hawaii as the President of said Military Commission may direct, for the trial of such persons as may be properly brought before it.

4.02. The following persons shall comprise the detail for said Military Commission:

Major General James A. Woodruff, U.S.A.,
President and Law Member.

Col. John H. Howard, U.S.A.

Lt. Col. Virgil G. Allen, General Staff Corps.

Lt. Col. Ray O. Welch, Ordnance Department.

Lt. Col. Moe D. Baroff, Infantry.

Major Eugene V. Slattery, J.A.G.D., Trial
Judge Advocate.

Lt. Col. Harrison M. Coppin, A.G.D., Defense
Counsel.

Captain Sam B. Thomas, C.M.P., Assistant De-
fense Counsel.

Respondent's Exhibit No. 16—(Continued)

4.93. The defendant in any case tried before said Military Commission may retain and introduce individual counsel of his own selection to represent him in said proceedings.

5. Provost Courts.

5.01. Each of the following persons hereby is appointed as a Provost Court, and assigned to duty as such in addition to his other duties, for the trial of such persons as may properly be brought before the court, at the respective places as hereinafter designated, viz.:

At Hilo, Hawaii, T. H.

Col. Arthur C. Huston, Jr., Inf.

Captain William A. E. King, J.A.G.D.

1st Lt. Woolbridge B. Morton, Jr., F.A.

At Honolulu and Kaneohe, Oahu, T. H.

Col. John H. Howard, U.S.A.

Lt. Col. Moe D. Baroff, Inf.

Major Eugene V. Slattery, J.A.G.D.

✓ Captain John F. Wickhem, J.A.G.D.

At Lihue, Kauai, T. H.

Major Charles A. Fisher, Inf.

At Lanai City, Lanai, T. H.

Arthur W. Carlson.

At Wailuku, Maui, T. H.

Major Merryl G. Shaver, J.A.G.D.

At Kaunakakai, Molokai, T. H.

Major Merryl G. Shaver, J.A.G.D.

Respondent's Exhibit No. 16—(Continued)

At Pamyra Island, T. H.

The Commanding Officer, United States
Naval Air Station.

At Schofield Barracks and Pearl City, Oahu,
T. H.

Lt. Col. Henry DuPree, Inf.

6. Provost Court Commissioner.

6.01. There is hereby created the office of Provost Court Commissioner for the Territory of Hawaii.

6.02. The powers and duties of such Provost Court Commissioner shall be as follows:

To establish a method of process for Provost Courts and Military Commissions and to prepare and recommend rules and regulations of procedure to be promulgated by the Military Governor;

To have charge of and be responsible for, acting under the direction of the Military Governor, the prosecution of all cases before the Provost Courts, and to appear in and prosecute such cases personally or through prosecutors selected from those duly designated and approved pursuant to Paragraph 3.09 of this General Orders No. 2 to prefer charges; provided, however, that the said Provost Court Commissioner may at any time that he elects to do so appear in, take over, and prosecute any case before the Provost Courts at any stage of the proceedings in such case;

To supervise and coordinate the operations and activities of the Provost Courts and Military Com-

Respondent's Exhibit No. 16—(Continued)
missions, including the assignment of cases and determination of questions of jurisdiction;

To coordinate the operations and activities of such Provost Courts and Military Commissions with the activities of the federal and territorial courts, so that a full, complete and expeditious administration of justice may be had and maintained in the Territory of Hawaii during the present emergency;

To have the power of administering oaths or affirmations and to have all other powers necessary or incidental to an efficacious accomplishment of the foregoing duties;

To perform such other duties and functions and exercise such other powers as may from time to time be directed or authorized by the Military Governor.

6.03. Edward N. Sylva, Captain, J.A.G.D., hereby is appointed the Provost Court Commissioner for the Territory of Hawaii and assigned to duty as such Provost Court Commissioner in addition to his other duties.

7. Attempts and Conspiracies to Violate a General Orders.

7.01. An attempt to commit a violation of a General Orders of the Military Governor or any offense triable by a Provost Court or a Military Commission is some act done towards committing and in part execution of the intent to commit the same. No person, firm, corporation, or other association or group of persons, shall attempt to commit a viola-

Respondent's Exhibit No. 16—(Continued)
tion of any provisions of a General Orders of the Military Governor, or attempt to commit any offense triable by a Provost Court or a Military Commission.

7.02. A conspiracy is a willful or malicious combination or mutual undertaking or concerting together of two or more persons to commit a violation of a General Orders of the Military Governor, or any offense triable by a Provost Court or a Military Commission, or instigate any other person thereto, or to do what plainly and directly tends to excite or occasion such a violation. No person shall conspire to violate any provision of a General Orders of the Military Governor, or attempt to commit any offense triable by a Provost Court or a Military Commission.

7.03. Any person knowingly acceding to and joining in a conspiracy after the same is formed, is a party thereto, no less than the one who originally takes part in forming the same. The act of each party to a conspiracy, in pursuance thereof, is the act of all. It shall not be necessary that the act agreed upon shall be done or attempted in pursuance of the conspiracy, as the conspiracy, itself, constitutes the offense.

8. Interference With Military Police and Personnel.

8.01. No person shall commit an assault or an assault and battery on any military police, any member of the shore patrol, or other military or

Respondent's Exhibit No. 16—(Continued)

naval personnel, with intent to resist, prevent, hinder, or obstruct him in the discharge, execution, or performance of his duty as such, nor shall any person wilfully interfere or attempt to interfere with any military police, any member of the shore patrol, or other military or naval personnel in the performance of his official, defined, or required duties as such.

8.02. No person shall commit an assault or an assault and battery on a federal, territorial or municipal police officer with intent to resist, prevent, hinder, or obstruct said police officer in the arrest of a person violating, or charged with a violation of, any General Orders of the Military Governor, or for any offense that may be tried and determined by a Provost Court or Military Commission; nor shall any person wilfully interfere with any such federal, territorial, or municipal police officer in the performance of any duties imposed upon such police officer, or which the said police officer is authorized or empowered to perform by any General Orders of the Military Governor.

8.03. No person, who is or has been made prisoner, or now or hereafter is detained, on conviction or charge of any offense defined by any General Orders of the Military Governor, or tried by a Provost Court or Military Commission, shall escape from imprisonment or detention against the will of the officer or person having him in custody or

Respondent's Exhibit No. 16—(Continued)
against the will or consent of the Military Governor.

8.04. No person shall, after another person has committed an offense constituting a violation of any of the General Orders of the Military Governor, or a violation that may otherwise be tried and determined by a Provost Court or a Military Commission, harbor, conceal, or aid such other person, with knowledge or having good reason to believe that such other person has committed such offense, and with the intent that such other person may avoid or escape from arrest, trial, conviction, or punishment for such offense.

9. False Statements to, or Misusing Authorizations Granted By, Agencies of the Military Governor.

9.01. Definition of "Office of the Military Governor." The term "Office of the Military Governor," as used herein shall include, and hereby is defined to mean, any of the following, to wit:

The Military Governor of the Territory of Hawaii;

The agencies, agents, committees, departments, directors, divisions, employees, sections, and all other personnel, included within the organization of the Office of the Military Governor;

Any representative of the Military Governor not specifically included or mentioned in the subdivision immediately above; and

The successor or successors, if any, of any of

Respondent's Exhibit No. 16—(Continued)
those included or mentioned within the three subdivisions immediately above.

9.02. Definition of "Statement." The term "statement," as used herein, shall include, and hereby is defined to mean, any of the following, to wit: Account, affidavit, oral or written application, bill, claim, deposition, document, form, instrument, letter, oral or written report, oral or written representation, roll, voucher, or any document, instrument, or oral or written statement not specifically mentioned heretofore in this sentence.

9.03. Definition of "Authorization." The term "authorization," as used herein, shall include, and hereby is defined to mean, any approval, certificate, permit, release, license, order, parole, commutation or suspension of sentence, power, privilege, waiver, or other document or instrument, authorized, granted, or issued, or that may be authorized, granted, or issued, by the Office of the Military Governor.

9.04. No person, firm, or corporation, shall, in any matter within the jurisdiction of the Office of the Military Governor, wilfully falsify, or wrongfully or fraudulently conceal to cover up by any trick, scheme, or by any act of omission or commission, any fact concerning said matter. No person, firm, or corporation, shall make or cause to be made, or present or cause to be presented, to the Office of the Military Governor, any false, fictitious, misleading, evasive, or fraudulent state-

Respondent's (Exhibit No. 16—(Continued))

ment, for the purpose of securing, obtaining, or receiving any authorization, payment of money, or any consideration or determination of any matter by the Office of the Military Governor, or for any purpose whatsoever, knowing or having reason to believe such statement to be false, fictitious, misleading, evasive, or fraudulent in whole or in any part, particular, or item thereof, or without having good and substantial reason to believe such statement to be true and correct in whole and in every part, particular, and item thereof.

9.05. No person, firm, or corporation, shall receive or obtain, or cause to be received or obtained, from the said Office of the Military Governor, any authorization for any purpose or use other than that purpose or use for which it was granted, authorized, issued, or intended by the said Office of the Military Governor; and no person, firm, or corporation, who or which shall have received or obtained any authorization from the Office of the Military Governor, shall use or employ, or allow, permit, or cause to be used or employed, the authorization so obtained, for any purpose or use other than that for which it was granted, authorized, issued, or intended by said Office of the Military Governor; and no person, firm, or corporation, who or which shall have obtained any materials, fixtures, goods, wares, merchandise, or any other personal property, by means of or pursuant to any authorization, shall employ, use, or dispose

Respondent's Exhibit No. 16—(Continued)

of, any of the said materials, fixtures, goods, wares, merchandise, or other personal property, for any purpose, use, or disposition, other than that purpose, use, or disposition authorized by the authorization by means of or pursuant to which ownership or possession of said property was obtained or is held by said person, firm, or corporation, unless such person, firm, or corporation is authorized in writing by the Office of the Military Governor to so otherwise use, employ, or dispose of said property.

9.06. No person who shall have taken an oath or affirmation in a trial or any proceeding before a Provost Court or a Military Commission appointed by the Office of the Military Governor of the Territory of Hawaii, or in connection with any affidavit, deposition, or other instrument or document intended to be used or actually used in any such trial or proceeding, shall wilfully swear or affirm falsely in regard to any matter or thing, whether material or immaterial, during such trial or other proceeding, or concerning which, such trial or other proceeding is being had by said Provost Court or said Military Commission or wilfully swear or affirm falsely in regard to any matter or thing, whether material or immaterial, contained in such affidavit, deposition, or other instrument or document.

9.07. Any person, firm, or corporation who or which violates, refuses, fails, or neglects to comply

Respondent's Exhibit No. 16—(Continued)

With any of the provisions of this Title 9 of this General Orders, or who or which evades or attempts to evade any of the provisions of this Title 9, upon conviction thereof, if a natural person, shall be punished by confinement, with or without hard labor, not to exceed five (5) years, or by a fine not to exceed five thousand dollars (\$5,000.00), or by both such confinement and fine, or if a corporation or other than a natural person, by a fine not to exceed five thousand dollars (\$5,000.00).

9.08. The provisions of this Title 9 of this General Orders shall be in addition to any provisions contained in any other General Orders. If any act or acts prohibited by this Title 9 also is or are prohibited by or made a violation or violations of any other General Orders, the offender may be convicted or punished or convicted and punished, for a violation of either this Title 9 or such other General Orders.

10. Power of Civilian Police Officer to Make Arrests.

10.01. All law enforcement officers of the United States, police officers of the Territory of Hawaii, all police officers of all municipal corporations and other political subdivisions within the Territory of Hawaii, and all other public officers or public employees granted power or authority to make arrests by the laws of the United States, by the laws of the Territory of Hawaii, or by the ordinances, rules, or regulations of any municipal corporation or other

Respondent's Exhibit No. 16—(Continued)

political subdivision or department, of or within the Territory of Hawaii, hereby are authorized, empowered, directed, and ordered to forthwith arrest, without warrant of arrest, all persons who, in the presence of such police officers or persons so authorized to arrest, commit any violation of any General Orders of the Military Governor now in full force and effect or hereafter enacted or issued, or any offense triable by a Provost Court or a Military Commission. No cause of action or claim for damages against such police officer or person making such arrest shall accrue in favor of any person arrested as authorized or provided herein, provided, however, that no more force be used by such police officer or person in effecting such arrest than is authorized by law. No person arrested by any of the said law-enforcement officers, police officers, public officers, or public employees, for any violation of any General Orders of the Military Governor now in full force and effect or hereafter enacted or issued, or for any offense triable by a Provost Court or a Military Commission, shall file, commence, institute, maintain, or prosecute any complaint, petition, suit, action, or other proceedings for false arrest, false imprisonment, or for any other cause, reason, or purpose whatsoever, arising out of or because of the fact that such person was arrested by said law-enforcement officers, police officers, public officers, or public employees, for any such violation or offense; nor

Respondent's Exhibit No. 16—(Continued).

shall any person allow or permit any complaint, petition, suit, action, or other proceedings for false arrest, false imprisonment or for any other purpose whatsoever arising out of or because of the fact that such person was arrested by said law-enforcement officers, police officers, public officers, or public employees, for any such violation or offense, to be filed, commenced, instituted, maintained or prosecuted.

11. Definitions of "Person."

11.01. Unless otherwise clearly indicated in the General Orders in which used, the term "person," as used in any General Orders of the Military Governor, shall include, and hereby is defined to mean, any natural person or persons, firms, associations, trusts, corporation or corporations, or any agent, servant, employee, or representative of any of the foregoing.

12. Prosecution of Offenses Under Rescinded General Orders.

12.01. It is expressly provided that no revocation or rescission of General Orders of and by the Military Governor, nor any proclamation issued by the Military Governor, shall operate to invalidate any conviction, or any application of such military orders to persons or activities, and ~~Provest~~ Courts and Military Commissions hereby are expressly authorized and empowered to try and determine any proceeding for violation of a provision of a General Orders of the Military Governor at any time

Respondent's Exhibit No. 16—(Continued)
hereafter, notwithstanding any such rescission or revocation, heretofore or hereafter made, for an offense committed while such General Orders remained in full force and effect.

By order of the Military Governor of the Territory of Hawaii:

THOMAS H. GREEN

Brigadier General, A.U.S.
Executive

10 March 1943

GENERAL ORDERS NO. 3

Blackout

1. Hours of Blackout.
2. Use and Control of Lights During Hours of Blackout.
3. Motor Vehicle Blackout.
4. Traffic During Hours of Blackout.
5. Workers Going to Work in the Morning.
6. Personal Identification During Hours of Blackout.
7. Places of Amusement and Business.
8. Enforcement.

1. Hours of Blackout.

1.01. City and County of Honolulu, District of Maui, District of Kauai, and District of Lanai-Molekai. The hours of blackout for the City and County of Honolulu, the District of Maui, the

Respondent's Exhibit No. 16—(Continued)

District of Kauai, and the District of Lanai-Molokai shall be as set forth in the following schedule for the periods of time indicated:

Dates				Hours	
From		Through		From	To
10 March	1943	14 March	1943	7:30 p.m.	7:00 a.m.
15 March	1943	31 March	1943	7:45 p.m.	6:45 a.m.
1 April	1943	14 April	1943	7:45 p.m.	6:30 a.m.
15 April	1943	30 April	1943	7:45 p.m.	6:15 a.m.
1 May	1943	31 May	1943	8:00 p.m.	6:00 a.m.
1 June	1943	31 July	1943	8:15 p.m.	6:00 a.m.
1 August	1943	31 August	1943	8:00 p.m.	6:15 a.m.
1 September	1943	14 September	1943	7:45 p.m.	6:15 a.m.
15 September	1943	30 September	1943	7:30 p.m.	6:30 a.m.
1 October	1943	14 October	1943	7:15 p.m.	6:30 a.m.
15 October	1943	31 October	1943	7:00 p.m.	6:30 a.m.
1 November	1943	14 November	1943	7:00 p.m.	6:45 a.m.
15 November	1943	14 December	1943	6:45 p.m.	7:00 a.m.
15 December	1943	14 January	1944	7:00 p.m.	7:15 a.m.

1.02. District of Hawaii. The hours of blackout for the District of Hawaii shall be as set forth in the following schedule for the periods of time indicated:

Dates				Hours	
From		Through		From	To
10 March	1943	14 March	1943	7:15 p.m.	6:45 a.m.
15 March	1943	31 March	1943	7:30 p.m.	6:30 a.m.
1 April	1943	14 April	1943	7:30 p.m.	6:15 a.m.
15 April	1943	30 April	1943	7:30 p.m.	6:00 a.m.
1 May	1943	31 May	1943	7:45 p.m.	5:45 a.m.
1 June	1943	31 July	1943	8:00 p.m.	5:45 a.m.
1 August	1943	31 August	1943	7:45 p.m.	6:00 a.m.
1 September	1943	14 September	1943	7:30 p.m.	6:00 a.m.
15 September	1943	30 September	1943	7:15 p.m.	6:15 a.m.
1 October	1943	14 October	1943	7:00 p.m.	6:15 a.m.
15 October	1943	31 October	1943	6:45 p.m.	6:15 a.m.
1 November	1943	14 November	1943	6:45 p.m.	6:30 a.m.
15 November	1943	14 December	1943	6:30 p.m.	6:45 a.m.
15 December	1943	14 January	1944	6:45 p.m.	7:00 a.m.

Respondent's Exhibit No. 16—(Continued)

2. Use and Control of Lights During Hours of Blackout.

2.01. General Restriction. During the hours of blackout, the use of exterior lights and interior lights which are visible on the outside of buildings, houses, or other structures is forbidden, except as is authorized by this General Orders.

2.02. Controlled Illumination. To provide a small amount of controlled illumination in homes and buildings sufficient to permit reasonable facility of movement without necessitating complete blackout of doors, windows and other openings, the use of limited lighting is authorized.

2.03. The following special requirements are prescribed for lamp bulbs used in the controlled lighting authorized in paragraph 2.02 above:

Watts—not more than 25 watts.

Volts—220 to 240 volts to operate on 110 to 120-volt systems.

Base—medium screw.

Bulb—A19 Mazda or equal and internally frosted.

Bulb Coating—opaque except for circular aperture on bulb end.

Circular Aperture—maximum diameter 1 inch.

Opaque Coating Material—resistant to scratching or removal.

2.04. The following regulations are prescribed for the use of these lamp bulbs:

Respondent's Exhibit No. 16—(Continued)

In small or medium-sized rooms (less than 200 square feet of floor area) only one lamp bulb shall be used per room.

In larger rooms and in corridors not more than one lamp bulb shall be used for each 200 square feet of floor area.

When more than one lamp bulb is used, the lamp bulbs shall be spaced at least 10 feet apart.

Lamp bulbs shall be placed at least 3 feet from any window, exterior door or opening and pointed towards the floor or ceiling.

Lamp bulbs shall not be pointed toward any window, exterior door or other opening or mirror.

These lamp bulbs in no case shall be used on the outside of buildings except on the approval of the Provost Marshal. They will not be used on lanais except on the written approval of the local Air Raid Warden.

2.05. The use of the lamps authorized in this Title is not compulsory, but in the event they are not used, all blackout rules and regulations of the Military Governor shall be strictly observed.

2.06. Piers, Factories and Other Facilities. Any person, firm, or corporation who or which desires to operate and maintain any pier, factory or other facilities during the hours of blackout, shall make application to the Provost Marshal, Hawaiian Department, or the District Provost Marshal for special permission to do so.

2.07. Observation of Maximum Blackout in Piers.

Respondent's Exhibit No. 16—(Continued)

Factories, and Other Facilities. Any person, firm, or corporation who or which has been granted special permission by the Provost Marshal, Hawaiian Department, or the District Provost Marshal to operate and maintain any pier, factory, or other facilities during the hours of blackout, shall observe the maximum blackout consistent with the work to be done.

2.08. Special Blackout Regulations for Piers, Factories, and Other Facilities. In observing the maximum blackout consistent with the work to be done in any pier, factory, or other facilities authorized to be operated and maintained during hours of blackout pursuant to this General Orders, the following rules and regulations shall be complied with, in addition to any other provisions of the General Orders of the Military Governor relating to, or pertaining to, blackout restrictions:

Windows shall be painted or otherwise blacked-out, so as not to emit any light.

Entrances and exits of such structures will be opened only to the extent necessary for the ingress and egress of persons and the movement of materials.

The minimum amount of illumination consistent with the efficient operation of such pier, factory, or other facilities will be used.

Lights which are authorized to be burned in piers, factories, and other facilities during the hours of blackout shall be shaded, insofar as possible,

Respondent's Exhibit No. 16—(Continued)

to throw the illumination downward only, so as not to be directly visible from the air or outside.

2.09. Private Incineration. No person, firm, or corporation shall destroy, by burning, any refuse, waste, garbage, rubbish, paper, sticks, lumber, or any other matter out-of-doors, nor shall any private incineration be engaged in or allowed out-of-doors, during the hours of blackout or for one hour previous to blackout, except on written authority of the Provost Marshal.

2.10. Carrying Lighted Cigarettes, Cigars and Pipes in the Open During Hours of Blackout. The carrying of lighted cigarettes, cigars, and pipes in the open and the use of matches and lighters in the open for the purpose of lighting cigarettes, cigars, and pipes, during the hours of blackout, except during air raids, air raid alarms and attacks, hereby is permitted.

2.11. Flashlights. Flashlights may be used during the hours of blackout. Except as is otherwise authorized in this paragraph, all flashlights shall be painted or otherwise fixed so as to give off a blue light. Military Police and members of the Civilian Police Department on night duty are authorized to use orange or red cellophane, paint, or other material, so as to give off a red or orange light, on the lens of their flashlights. Air Raid and Fire Wardens on night duty are authorized to use green cellophane, paint, or other materials,

Respondent's Exhibit No. 16—(Continued)
so as to give off a green light, on the lens of their flashlights.

2.12. Excessive Illumination. No person, firm, or corporation shall use, or cause to be used, excessively, any means of illumination during the hours of blackout.

2.13. Extinguishment of Lights During Air Raid and Other Attacks. No person, firm, or corporation shall, in case of an air raid, air raid alarm, attack, or invasion, during the hours of blackout, burn, or cause to be burned, any lights which will be visible out-of-doors, nor shall any person, firm, or corporation rekindle or turn on again such lights until the "All Clear" signal is sounded.

2.14. Businesses and other activities, operating at night in the Kauai District, in such a manner as to require the use of outside lighting, shall comply with the following special blackout regulations:

Plantations requesting permission to engage in night harvesting, must be equipped with operating lights so constructed that no beam of light will be projected upwards. The lights used will be of minimum intensity necessary for operations and safety to personnel involved.

One or more radio receiving sets sealed to Station KTOH, with an operator constantly in attendance, will be continuously tuned to the Station in the immediate vicinity of any night harvesting project in order that all lights may be extinguished

Respondent's Exhibit No. 16—(Continued)

without delay in the event an air raid or other warning should be broadcast.

Prior to the conducting of any authorized night harvesting operations by plantations, the Plans and Training Officer, District Headquarters, Kalaheo, Kauai, will be advised in order that the proper military and naval authorities may have knowledge of the locations in which lights will be exposed.

All other businesses or activities requesting permission to violate blackout regulations will comply with the above requirements with respect to the amount and type of outside lighting used, and a radio or other approved means of communication will be immediately available for the reception of notices to extinguish lights. Upon receipt of any application for permission to operate in violation of blackout restrictions subject to the above provisions, the District Provost Marshal will inspect the installations under actual night operating conditions and if they are approved, will so notify the Plans and Training Officer at District Headquarters. Following official approval, the applicant will receive from District Headquarters a certificate of authority to operate during blackout hours.

Applications will be considered only from businesses or industries engaged in production of essentials necessary for the war effort or otherwise connected with the National Defense Program.

3. Motor Vehicle Blackout.

3.01. All motor vehicles operating during the

Respondent's Exhibit No. 16—(Continued)
hours of blackout shall conform to the specifications as set forth in the following paragraphs.

3.02. Headlights. Two (2) approved blackout driving headlights shall be used on each motor vehicle, except on motorcycles and motor scooters, which shall have but one (1). Such lamps shall have the necessary color design as described below, with a slot which emits white light for driving. This slot shall be covered by a metal hood. Except as shown in paragraphs 3.07 and 3.11 below, the mounting height of the headlights shall be not less than twenty-four (24) inches nor more than fifty-five (55) inches measured from road level to the bottom of the slot, and in no case higher than the top of the rim of the steering wheel. With the vehicle on level surface and carrying a capacity load, the unit shall be so adjusted that the bottom of the slot is horizontal and so aimed that the visual cut-off up the top of the beam on a vertical screen 10 feet in front of the lamp is at least four (4) inches below the bottom of the horizontal slot in the headlight and in no instances higher than fifty-one (51) inches from the road level. When mounted on motorcycles or motor scooters, the lamp shall be placed on the front as near the center as possible to normal line of operator's vision and far enough forward to eliminate any objectionable reflection of light from any portion of the vehicle.

The upper sector of the headlight shall be painted

Respondent's Exhibit No. 16—(Continued)

a deep red color of brightness of 3 and not to exceed 3.5 foot-lamberts (this light will be visible at a distance at one thousand (1,000) and not over one thousand five hundred (1,500) feet). The thickness ~~of the~~ red band at the center of the vertical axis shall be at least $1\frac{1}{2}$ inches and not to exceed $2\frac{1}{2}$ inches. Paint shall be sprayed on the lens instead of brushing, thus producing an even surface. The other portion of the headlight, with the exception of the white light slot, shall be painted black or lusterless olive drab.

White Light Slot. Except as shown in paragraphs 3.06 to 3.13 below, the white light slot for all motor vehicles shall be one-eighth ($\frac{1}{8}$) inch wide by two (2) inches long and placed at right angles to the vertical axis of the light. The bottom of the slot shall be located at the focal point of the lens which is about three-fourths ($\frac{3}{4}$) inch below the center of the headlight bulb, but in no case shall it be more than one (1) inch below the center of the bulb.

Metal Shield or Hood Over Slot. The metal shield or hood over the white light slot shall be of twenty (20) to twenty-eight (28) gauge sheet metal, extending from side to side of the headlamp and be tightly clamped to the outer rim of the headlamp. At the center of the vertical axis of light, the shield shall have an angle of from forty-five (45) to seventy (70) degrees from the vertical axis at the face of the lens, and sloped downward so that

Respondent's Exhibit No. 16—(Continued)

the outer edge of the shield will be at least $1\frac{3}{4}$ inches and not more than $2\frac{1}{2}$ inches from the lens at the narrowest part of the shield. The outer edge of the shields shall be designed so that a lip protrudes to cover the white light slot, this lip to be one-fourth ($\frac{1}{4}$) inch long, and to be of sufficient width to extend a minimum of one-half ($\frac{1}{2}$) inch over each end of the white light slot. The outer edge of the shield shall be folded back approximately three-eighths ($\frac{3}{8}$) inch to provide stiffness for the shield. The ends of the shield shall be closed and extended sufficiently back into the lamp to provide a clip to hold the shield in position on the headlamp. The inner face of the shield, or face on the lens side, shall be made to fit snugly to the curvature of the lens. Due to various types of headlights now in use on vehicles, the curvature of the shield shall be cut to fit each individual type of lens. The lip of the shield, when in proper position, and when the vehicle is fully loaded, shall give the adjustment prescribed in paragraph 3.02 supra. The shield shall be painted black or lusterless olive drab on the exterior and interior surfaces. Suitable mastic will be applied around the circumference of the lens at the junction of the glass with the retaining rim, and between the inner face of the shield and headlight lens, to properly shield any light at these points.

3.03. Combination Tail and Stop Lamp, Reflectors, and Additional Equipment. One tail, or com-

Respondent's Exhibit No. 16—(Continued)

bination tail and stop, lamp shall be securely mounted on the extreme rear of the vehicle and as near the left side as is practicable with red color as described below and aimed straight to the rear, so that it will be clearly visible to traffic approaching from the rear. Except as specified in paragraph 3.11 below, such lamps shall be mounted not less than twenty (20) inches and not more than fifty (50) inches above the road level. When mounted on motorcycles or motor scooters, this lamp shall be mounted on the rear fender. The tail light shall have a round circle one-half ($\frac{1}{2}$) inch in diameter of red color as prescribed for headlights in paragraph 3.02 above. The remainder of the lens shall be painted black or lusterless olive drab.

An additional tail, or combination tail and stop, lamp as described hereinabove shall be securely mounted on the extreme rear of all motor vehicle combinations one hundred (100) inches and more in width as near the right side as is practicable, and at the same height and alignment as the left combination tail and stop lamp.

Two approved red reflectors may be mounted on all over-sized motor vehicles, as hereinabove described, on the extreme rear, and two approved amber reflectors may be mounted on the extreme front, on each side, as low on the vehicles as practicable and in no case higher than thirty (30) inches above the road level.

Respondent's Exhibit No. 16—(Continued).

3.04. Instrument and Dashboard Lights, Interior, and Exterior Lights. Instrument and dashboard lights shall be extinguished unless illumination provided therefor is of low intensity and deep red in color. Except as shown in paragraph 3.08 below, all other interior lights in the vehicle shall be extinguished and rendered inoperative. All exterior lights not authorized by this General Orders shall be removed or rendered inoperative.

3.05. Testing of Lights. The intensity of brightness of red used on headlights and tail lights shall be tested by the brightness meter manufactured by the Weston Electric Company by the gauge designed and tested by the Department Engineer, by the Official Headlight Testing Stations operated by the U. S. Army Ordnance Department, or by other methods when approved by the Office of the Military Governor. The size and location of the white light slot, relative to the lip on the metal shield, shall be tested by a suitable screen to insure that the headlights conform with specifications set forth herein (if vehicle is tested with less than capacity load, suitable allowances will be made to insure that the adjustment will meet these specifications when vehicle is loaded to capacity). This adjustment will be made by moving the entire headlamp. The shield will not be bent unless it is impossible to make this adjustment otherwise.

3.06. Lights for Special Vehicles. Such Vehicles as are described in paragraphs 3.07 to 3.13 below

Respondent's Exhibit No. 16—(Continued)
hereby are authorized to have the lights provided for in said paragraphs of this General Orders.

3.07. Trucks of Over 3-Ton Rated Capacity. All lights for trucks of over 3-ton rated capacity will conform to specifications set forth herein, except that the white light slot of the headlights may be increased to three-eighths ($\frac{3}{8}$) inch wide by three (3) inches long.

Vehicles in this category may have lights mounted at a height in excess of fifty-five (55) inches measured from the bottom of the slot to road level provided that visual cut-off up the top of the beam on a vertical screen ten (10) feet in front of lamp is at least four (4) inches below the bottom of the horizontal slot and in no case higher than fifty-three (53) inches from road level when vehicle is carrying a capacity load.

3.08. Busses. All lights for busses will conform to specifications set forth herein except that the white light slot of the headlights may be increased to three-eighths ($\frac{3}{8}$) inch wide by three (3) inches long.

The route markers on all busses will be illuminated with a red light of low intensity.

A maximum of ten (10) interior dome lights, of low intensity may be used in each bus.

3.09. Fire Department Trucks. All lights on Fire Department trucks will conform to specifications set forth herein, except that the white light

Respondent's Exhibit No. 16—(Continued)

slot of the headlights may be one-half ($\frac{1}{2}$) inch wide by three (3) inches long. -

If needed, Fire Department trucks may use a hooded white spotlight when going to a fire during peaceful times, but when returning from a fire, the headlights prescribed above, will be used. In case of a blitz or other emergency situation, no spotlights will be used. The hood for the white spotlight will encircle the circumference of the light and be at least two (2) inches longer than the diameter of the lens of the spotlight.

3.10. Ambulances, Doctors' Vehicles, and Utility Vehicles. All lights of ambulances and utility vehicles will conform to specifications set forth herein except that the white light slot of the headlights may be three-eighths ($\frac{3}{8}$) inch wide by three (3) inches long.

All lights on motor vehicles owned and operated by or by direction of, or under the supervision of, a physician or surgeon, in the practice of his profession will conform to the specifications set forth herein, except that the white light slot of the headlights may be one-fourth ($\frac{1}{4}$) inch wide by two (2) inches long.

When responding to emergency calls, ambulances and utility vehicles may use a hooded white spotlight during peaceful times, if needed, but when returning to their stations, only the headlights prescribed will be used. In case of a blitz or other similar emergency situation, no spotlight will be

Respondent's Exhibit No. 16—(Continued)
used. The hood will encircle the circumference of the spotlight and will be at least two (2) inches longer than the diameter of the lens of the spotlight.

3.11. Lumber Carriers. Headlights on lumber carriers will conform to specifications set forth herein, with the following exceptions:

White light slot on the headlights may be three-fourths ($\frac{3}{4}$) inch wide by three (3) inches long;

The outer edge of the metal shield will not have the lip prescribed for other vehicles;

With the vehicle on level surface, the headlights shall be so adjusted that the bottom of the slot is horizontal and so aimed that the visual cut-off up the top of the beam of a vertical screen thirty (30) feet in front of lamp is not higher than fifty-three (53) inches from the road level; and

The tail light may be mounted at the same height as the headlights.

Lumber carriers will be allowed to have one hooded white spotlight on the front of the carrier, at the top and one hooded spotlight on the rear left side, near the seat of the operator. In peaceful times, these spotlights may be used when carrying loads of unusual length (over thirty-five (35) feet) when loading and unloading, and when maneuvering the vehicle in unusually difficult places. In case of a blitz or other similar emergency situation, no spotlight will be used. The hood will encircle the circumference of the spotlight and be at least

Respondent's Exhibit No. 16—(Continued)
two (2) inches longer than the diameter of the lens of the spotlight.

3.12. Police Cars. All lights of police cars will conform strictly with specifications set forth herein, except that the white light slot of the headlights may be one-fourth ($\frac{1}{4}$) inch wide by two (2) inches long.

Police cars may be equipped with a hooded white spotlight, which may be used during peaceful times when responding to emergency calls or in other emergency situations. In case of a blitz or other emergency no spotlights will be used. The hood will encircle the circumference of the spotlight and be two (2) inches longer than the diameter of the lens of the spotlight.

3.13. Road Sweepers. All lights on road sweepers will conform strictly with specifications set forth herein, except that the white light slot of the headlights may be one-fourth ($\frac{1}{4}$) inch wide by three (3) inches long.

Road sweepers may be equipped with a hooded spotlight of low power for the purpose of defining the curb line of the road. In case of a blitz or other emergency situation, no spotlight will be used. The hood will encircle the circumference of the spotlight and be two (2) inches longer than the diameter of the lens of the spotlight.

3.14. Any shop, paint shop, or garage which is equipped to paint and install shields and test headlights, so that they meet specifications set forth

Respondent's Exhibit No. 16—(Continued)
herein, are authorized to perform this work. These shops may be inspected regularly by the Department Ordnance Officer, headquarters Hawaiian Department, or his duly authorized representative.

3.15. Upon installation, painting or testing of motor vehicle blackout lights, the shop performing the work will affix a gum sticker to the inside lower right corner of the windshield. The sticker will be not more than one (1) inch wide by $2\frac{1}{2}$ inches long. The face of this sticker will show that the lights have been tested and adjusted. The reverse of the sticker will be filled in to indicate the date, organization, and name of the individual performing the adjustment and test.

3.16. No shop, paint shop, or garage shall install shields or paint headlights without performing the proper test and adjustment to meet specifications set forth herein, nor shall any person tamper with the lens or shields of headlights after they have been inspected and approved.

4. Traffic During Hours of Blackout.

4.01. Enemy Aliens. No enemy alien shall be present on the streets and highways, in parks, and on beaches, either on foot or in vehicles, during the hours of blackout.

4.02. Persons Other Than Enemy Aliens. Except as is hereinafter authorized, no person shall be present on the streets and highways, in parks, and on beaches either on foot or in vehicles, during the hours of blackout after 10:00 P. M.

Respondent's Exhibit No. 16—(Continued)

4.03. Certain Persons Permitted Out-of-Doors After 10:00 P. M. The following classes of persons are excepted from the restrictions of paragraph 4.02 above:

Personnel of the Armed Forces of the United States and allied nations on duty or proceeding to and from duty;

Law enforcement officers on duty or proceeding to and from duty;

Civilian personnel required to be on the streets and highways during such hours because of their employment on defense work, by public utilities, in civilian defense activities, or by the government, or while proceeding directly to and from work;

Doctors on call;

Persons holding Police passes issued since December 7, 1941;

Persons holding special passes issued and approved by the Provost Marshal, Military Police, or Civilian Police; and

Enemy aliens transported in motor vehicles during the hours of blackout by drivers of non-enemy ancestry upon written approval of the Provost Marshal.

4.04. Vehicular and Passenger Traffic During Blackout. Any person except an enemy alien may drive, or ride as a passenger in, a motor vehicle on the streets and highways during blackout hours from the commencement of the period thereof until ten o'clock P. M., but not thereafter during said blackout hours unless duly authorized pursuant

Respondent's Exhibit No. 16—(Continued)
to the General Orders of the Military Governor. Motor vehicles driven pursuant to this paragraph 4.04 during blackout hours shall conform with all other blackout regulations with respect to equipment and manner of operation of such motor vehicles.

4.05. *Twenty Miles Speed Limit.* Except as authorized by the civil or military police, no person shall operate any vehicle at a rate of speed in excess of twenty (20) miles per hour during hours of blackout.

4.06. *No Parking.* No person shall park any vehicle on any public thoroughfare, street, or highway, during the hours of blackout.

4.07. *Removal of Keys From, and Locking Ignition of, Parked Cars.* No person shall allow the keys of any motor vehicle, of which he is the owner or operator, to remain therein, during the hours of blackout, while such vehicle remains properly and lawfully unattended; nor shall any person leave any motor vehicle, of which he is the owner or operator, during the hours of blackout, without first having locked the ignition thereof if possible.

Nothing contained in paragraph 4.07 shall be construed to relieve any person of the restriction imposed by paragraph 4.06 hereof.

4.08. *Taxicabs Allowed on Streets After 5:30 A. M.* All taxicabs, except those owned or operated by enemy aliens, are authorized to be operated and to be on the streets and highways of the Territory of Hawaii after 5:30 A. M. daily.

Respondent's Exhibit No. 16—(Continued)

4.09. No person shall, during the hours of blackout, violate any statute of the Territory of Hawaii or any ordinance, resolution, by-law, regulation, or rule of any city, city and county, county, or other municipal corporation or political subdivision of the Territory of Hawaii, regulating or relating to traffic, now in force or hereinafter in force; and all such traffic violations or offenses occurring during the hours of blackout hereby are made violations or offenses of and punishable under the General Orders of the Military Governor.

5. Workers Going to Work in the Morning.

5.01. Men and women who must leave their homes before the termination of the hours of blackout in order to reach their places of employment between the hours of 7:00 and 8:00 A. M., respectively, are permitted to proceed on the streets and highways of the Territory of Hawaii in motor vehicles or on foot after 5:30 A. M. Such workers shall leave their homes as late as possible.

5.02. Between the hours of 5:30 A. M. and the termination of the hours of blackout, all blackout rules and regulations of the Military Governor shall be observed. Motor vehicles shall proceed with all caution necessary with safety, and shall comply with the maximum speed limit as prescribed by this General Orders.

5.03. No enemy alien shall be present on the streets or highways between the hours of 5:30 A. M. and the termination of the hours of blackout, unless special permission of the Provost Marshal or

Respondent's Exhibit No. 16—(Continued)

his duly authorized representative has first been secured.

5.04. Nothing contained in this Title 5 shall be construed to permit the use of light or other means of illumination during hours of blackout, except in compliance with all blackout rules and regulations of the Military Governor.

5.05. Children under the age of 16 years will not be permitted on the streets and highways between the hours of 5:30 A. M. and the termination of the hours of blackout, unless accompanied by one of their parents or some other adult person, and unless their travel is directly connected with their parents or guardians proceeding to work.

6. Personal Identification During Hours of Blackout.

6.01. All persons required to be on the streets and highways during the hours of blackout after 10:00 P. M. shall carry an identification badge, pass, or letter from their employer evidencing their right to be on the streets, and any such person who may be stopped by the civil or military police during said hours of blackout shall identify himself promptly.

7. Places of Amusement and Business.

7.01. All persons, firms, and corporations who operate and maintain places of business and amusement shall comply with all the blackout rules and regulations of the Military Governor during that period of the hours of blackout that the said places

Respondent's Exhibit No. 16—(Continued)
of business and amusement remain open and are operated.

8. Enforcement.

8.01. Enforcement by Provost Marshal. The Provost Marshal, Hawaiian Department, shall have the power to control the sufficiency and effectiveness of the blackout and shall enforce all rules, regulations, and General Orders of the Military Governor relating to, or pertaining to, blackout in the Territory of Hawaii.

8.02. Penalty for Violations. Any person, firm or corporation, who violates, refuses, fails, or neglects to comply with any of the provisions of this General Orders, or who evades or attempts to evade any of the provisions of this General Orders, upon conviction thereof, shall be punished by confinement, with or without hard labor, not to exceed one (1) year, or by a fine not to exceed one thousand dollars (\$1,000.00), or by both such confinement and fine.

By order of the Military Governor of the Territory of Hawaii:

THOMAS H. GREEN

Brigadier General, A. U. S.
Executive

10 March 1943

GENERAL ORDERS NO. 4

Air Raid

1. Air Raid Alarm System.
2. Vehicular Traffic During Air Raid.
3. Pedestrian Traffic During Air Raid.

Respondent's Exhibit No. 16—(Continued)

4. White Fenders and Red Spot Lights.
5. Places of Public Gathering.
6. Duties and Responsibilities of Air Raid Wardens.
7. Penalty for Violations.

1. Air Raid Alarm System.

1.01. The Department Signal Officer, Headquarters Hawaiian Department, Fort Shafter, T. H., shall have the exclusive control of, and supervision over, the installation, maintenance, and operation of the air raid alarm system established for the Territory of Hawaii.

1.02. No person, other than the Department Signal Officer, or his duly authorized representative or agent, shall operate, tamper with, damage, or in any manner interfere with the operation of, the air raid alarm system established for the Territory of Hawaii.

2. Vehicular Traffic During Air Raid.

2.01. Official Vehicles. When an air raid alarm is sounded, all official vehicles will continue on their missions and will conform to the prescribed speed and traffic regulations.

2.02. Non-official Vehicles. When an air raid alarm is sounded, drivers of non-official vehicles will be governed by the regulations in the following paragraphs, which will permit the movement of such vehicles to their destinations:

If the road is clear, drive to destination but not to an airfield, the waterfront, a military or naval

Respondent's Exhibit No. 16—(Continued)
installation, or to the business district. Do not exceed the prescribed speed limits at any point.

Give the right of way immediately to all official vehicles, civilian or military.

If forced to stop, do Not jam up close to the vehicle ahead. Pull well to the right and Clear the road.

Do Not "block" a street or road intersection.

Do Not park on streets which have been designated as "No Parking" streets.

Obey all orders of the military and civilian police.

In air raid alarms during blackout hours the standard blackout headlights and tail-lights will be turned on while vehicles are in operation.

2.03. Definitions: For the purposes of this General Orders, "official vehicles" shall be defined to mean, and shall include, Army, Navy, Police Department, Fire Department, Medical Services, Civilian Defense Authorities, and Press vehicles, vehicles driven by operating and repair personnel for public utilities, and vehicles operated by members of the Armed Forces proceeding on their missions. All other vehicles are classified "non-official vehicles."

3. Pedestrian Traffic During Air Raid.

3.01. At the time of sounding of an air raid alarm all pedestrians shall seek shelter in available air raid shelters, or shall disperse to their homes, following the instructions of civil and military police. Under no circumstances shall pedestrians, other than those on official duty, proceed to the waterfront or the business district.

Respondent's Exhibit No. 16—(Continued)

4. White Fenders and Red Spot Lights.

4.01. In order to facilitate the movement of motor vehicles of public utilities, the Police Department and Fire Department, and ambulances, on the streets and highways of the Territory of Hawaii during air raids, air raid alarms, attack, invasion, or other emergencies, the lower twelve (12) inches of the left front fender of each vehicle authorized by the Military Governor or his District Representative may be painted white not to exceed a width of twelve (12) inches. Fenders painted white shall be painted on the front and the white part shall not extend to the side or top thereof for a distance greater than two (2) inches. .

4.02. Ambulances and bomb disposal vehicles authorized by the Military Governor or his District Representative may be equipped with a red spot light mounted on top of the vehicle in the center near the forward edge of the top. The spot light will be shielded with a cylindrical shield which shall extend two inches beyond the face of the lens. This light will only be used when such vehicles are moving on emergency calls.

4.03. All agencies identifying their motor vehicles pursuant to paragraphs 4.01 and 4.02 above shall submit a list of such motor vehicles to the Office of the Military Governor on the Island of Oahu or the Representative of the Military Governor in other districts.

4.04. No person, firm, or corporation other than those authorized shall use the identification de-

Respondent's Exhibit No. 16—(Continued)
scribed in paragraphs 4.01 and 4.02 hereof, nor shall the provisions of this Title 4 be construed in such a manner as to include motor vehicles owned by officials, or employees of said public utilities or departments.

5. Places of Public Gathering.

5.01. At the time of sounding of an air raid alarm, all persons present in theatres, auditoriums, or other places of public gathering shall vacate such places and disperse to their homes, public air raid shelters, or other shelters, pursuant to regulations prescribed in this General Orders.

6. Duties and Responsibilities of Air-Raid Wardens.

6.01. The duties and responsibilities of Air Raid Wardens shall be as set forth in the following paragraphs.

6.02. Wardens are given the right to patrol the area to which they are assigned at all times. In patrolling the area (except as hereinafter provided) the warden is limited in authority to the area bounded by public vehicular streets.

6.03. Wardens may enter upon private property at any and all times for the purpose of investigating the conditions or any other conditions incidental to the proper protection of the area to which they are assigned. All such investigations shall be made with the consent of the owners or occupants of the property if possible, but if they refuse to give their consent or are absent from the premises the air raid warden may, when it is reasonably necessary to do

Respondent's Exhibit No. 16—(Continued).

so, enter thereon for the purposes hereinabove set forth; provided, however, that when any entry is made upon the premises of another without the consent of the owner or occupant thereof, such entry shall be limited to the grounds of such premises and no dwelling or other building shall be entered without such consent.

6.04. In time of acute emergency or raids, wardens shall advise the public of any areas which they may from time to time determine to be of danger to the public, until such time as proper military or police officials can be notified of the existence of such areas or dangers, and control over them can be assumed by such police or military authorities.

6.05. In the event of an attack wardens are empowered to direct all civilian pedestrians not engaged in defense activity from the streets to places of shelter.

6.06. Wardens are empowered to request the abatement of any fire hazard or condition which would contribute to the danger of the area to which they are assigned, and if such request is not complied with within a reasonable time, they shall report same to the proper authorities for such action as shall be deemed necessary by such authorities.

6.07. Wardens shall have the power, without fear of civil liability, to report any and all acts, conditions or circumstances which appear to them to be inimical to the public good.

6.08. None of the police powers relative to arrest,

Respondent's Exhibit No. 16—(Continued)

the use of force or the directing of vehicular traffic shall be exercised by a warden.

6.09. Wardens are permitted to be on the streets at any hour when their presence thereon is required to carry out their duties as wardens, giving due consideration to the area to which they are assigned and the necessities of their traveling upon the highways.

6.10. Wardens shall assist persons within their jurisdiction to obtain necessary and available requirements for proper protection which may from time to time be distributed to the public.

6.11. Nothing herein contained shall be deemed to give wardens any privileges not accorded other civilian population save and except those required in the conduct and execution of their duties and responsibilities hereinabove defined.

6.12. The duties and responsibilities hereinabove defined refer only to those activities relating to protection and defense against attacks.

6.13. The term "warden" where used herein shall include all members of the Air Raid Warden Division of the Office of Civilian Defense.

7. Penalty for Violations.

7.01. Any person, firm, or corporation who or which violates, or attempts to violate, or evades or attempts to evade, any of the provisions of this General Orders, upon conviction thereof, shall be punished by confinement, with or without hard labor, for a period not to exceed six (6) months, or

Respondent's Exhibit No. 16—(Continued)
by fine not to exceed five hundred dollars (\$500.00),
or by both such confinement and fine.

By order of the Military Governor of the Territory of Hawaii:

THOMAS H. GREEN

Brigadier General, A.U.S.

Executive

10 March 1943

GENERAL ORDERS NO. 5

Civilian Security

1. Evacuation Warning Order.
2. Businessmen's Military Training Corps.
3. Gas Alarms.
4. Penalty for Violations.

1. Evacuation Warning Order.

1.01. This order is issued to further the defense of the Territory of Hawaii, promote internal security, eliminate interference with troop movements and with defense maneuvers, and save civilian lives. This order will be effective forthwith upon order or call of the Military Governor in the event an emergency shall arise requiring the evacuation of the civilian population from the areas of greatest danger.

1.02. Honolulu Urban Area. The Honolulu Urban Area hereby is designated as an evacuation area on the Island of Oahu, Territory of Hawaii, and shall be that area of the City and County of Honolulu makai of and bounded by Middle Street

Respondent's Exhibit No. 16^h—(Continued)

from Kamehameha Highway to King Street; along same to Houghtailing Street; along same to Vineyard Street; along same to Liliha Street; along same to School Street; along same to Lusitana Street; along same to Auwaiolimu Street; along same to Pensacola Street; along same to Wilder Avenue; along same to Punahou Street; along same to Beretania Street; along same to Waialae Avenue; along same to Kapahulu Road; along same to Campbell Avenue; along same to Hayden Street; along same to Eleventh Avenue; along same to Kaimuki Avenue; along same (through Kaimuki Crater) to Twenty-Second Avenue; thence on a direct line to and along Amau Place to Oili Road; thence on a direct line through the intersection of Kealaolu Avenue and Farmers Road to Kapakahi Stream; thence along same to the sea.

1.03. Rural Oahu and Outside Islands. In rural Oahu and in the outside Islands, the evacuation areas shall be such areas as will be designated by the Evacuation Divisions of the Office of Civilian Defense, Oahu Sector Commanders and the District Commanders concerned.

1.04. All women and girls and children under the age of 15 years residing within the evacuation areas hereinbefore described and referred to should prepare to evacuate from said areas and be familiar with and ready to follow the instructions and plans of the Office of Civilian Defense concerning such evacuation. All men not otherwise engaged in essential work shall remain in such area where they

Respondent's Exhibit No. 16—(Continued)

reside or maintain their business establishments to guard against fires, and provide for protection of property. Women and girls employed in essential defense work shall remain at their posts.

1.05. All movement of traffic will be as directed by Military and Civil Police and designated civilian defense personnel under the control of the Provost Marshal.

1.06. The foregoing shall not apply in the event of air raid alarms, but only in cases of extreme emergency, upon further order of the Military Governor, of which notice will be clearly given.

2. Businessmen's Military Training Corps.

2.01. The duties and responsibilities of the Businessmen's Military Training Corps shall be as provided in the following paragraphs.

2.02. The Businessmen's Military Training Corps is a voluntary, self-governing body of citizens on the Island of Oahu, Territory of Hawaii, whose purpose is to assist the Provost Marshal in the execution of his duties whenever called upon to do so and to be ready for any service required when called upon by the Military Governor, as a trained adjunct to the military forces in times of grave emergency.

2.03. All necessary preparation and training of the Corps shall be planned and supervised by the officers of the Businessmen's Military Training Corps. The Provost Marshal, Hawaiian Department, is hereby designated as the military advisor to the Corps and will assist in its training. The

Respondent's Exhibit No. 16—(Continued)

law enforcement agencies under the Provost Marshal will likewise render such assistance as is practicable in the training of the Corps.

2.04. To the extent that it is practicable, arms, ammunition, and other equipment will be furnished by the Army. Appropriate instruction in the employment and care of such arms, ammunition, and equipment will also be supplied by the Army.

2.05. The Businessmen's Military Training Corps is authorized to wear khaki uniforms to which may be affixed the authorized shoulder patch. The insignia of officers, non-commissioned officers and members of the Corps shall be as designated by the Military Governor.

2.06. The Businessmen's Military Training Corps will not in any way assume the duties now assigned to the Military Police, the Civil Police, or to other law enforcement agencies or to Wardens, except when acting as an adjunct to the military forces of the United States in time of grave emergency, or when specifically assigned to law enforcement duty by the Provost Marshal.

3. Gas Alarms.

3.01. Gas alarms, to be given when an enemy gas attack occurs, hereby are divided into two classes: General and Local.

A General alarm shall be given only in the case of a cloud gas attack which is expected to involve a large area. Notice of a General alarm will be issued by all normal methods of communication, and

Respondent's Exhibit No. 16—(Continued)
will be directed to all localities which may be affected.

A Local alarm shall be given in the event the presence of gas is recognized in any place or area. Notice of a Local alarm shall be imparted by means of percussion sounds; such as those produced by bells, triangles, iron rails, and empty cartridge cases struck rapidly and continuously.

3.02. When a gas alarm is given all persons in the area will immediately wear the gas masks issued to them, taking care to carefully adjust them, and then proceed out of the affected area, seeking higher levels, as gas normally finds the lower level. If in an air raid shelter or dugout, all persons shall, immediately after putting on the masks, leave for higher ground. If in a building, all persons shall go to the top floors thereof. The mask shall not be removed until it is certain that gas no longer exists in the area, as even a very small amount is dangerous.

The gas mask will protect the eyes and respiratory tract of the wearer from all chemical agents which will be encountered.

3.03. Signals for sounding gas alarms have been placed throughout the Territory of Hawaii and marked to indicate their use. No person shall sound any such signal at any time, for any purpose, excepting only members of the Police Department, Air Raid Wardens, Businessmen's Training Corps, Hawaiian Territorial Reserve Guard, Teacher Gas

Respondent's Exhibit No. 16—(Continued)
Sentries, and members of the armed forces or other persons specifically authorized to do so.

4. Penalty for Violations

4.01. Any person who violates or evades, or attempts to violate or evade, any of the provisions of this General Orders, upon conviction thereof, shall be punished by confinement, with or without hard labor, for a period not to exceed six (6) months, or by a fine not to exceed Five Hundred Dollars (\$500.00), or by both such confinement and fine.

By order of the Military Governor of the Territory of Hawaii:

THOMAS H. GREEN

Brigadier General, A.U.S.

Executive

10 March 1943

GENERAL ORDERS NO. 6

Aliens

1. Definition of "Enemy Alien" and "Alien Enemy."
2. Policy towards Enemy Aliens.
3. Regulation of Conduct of Enemy Aliens.

1. Definition of "Enemy Alien" and "Alien Enemy."

1.01. The term "enemy alien" or "alien enemy," as used in this General Orders or in any other General Orders of the Military Governor, unless the use thereof in such General Orders clearly indicates otherwise, shall include, and hereby is de-

Respondent's Exhibit No. 16—(Continued)

fined to mean; all natives, citizens, denizens, or subjects of Japan, Germany Italy, Bulgaria, Hungary, Rumania, or of any other nation or government hostile to the United States, who are within the Territory of Hawaii.

2. Policy Towards Enemy Aliens.

2.01. All enemy aliens hereby are enjoined to preserve the peace towards the United States and to refrain from crime against the public safety, and from violating the laws of the United States and Territory of Hawaii, and to refrain from actual hostility or giving information, aid, or comfort to the enemies of the United States, and to comply strictly with the regulations which hereby are, or may be, from time to time promulgated by the President of the United States or the Military Governor of the Territory of Hawaii; and so long as they shall conduct themselves in accordance with law, they shall be undisturbed in the peaceful pursuit of their lives and occupations and be accorded the consideration due to all peaceful and law-abiding persons, except so far as restrictions may be necessary for their own protection and for the safety of the United States. All citizens of the United States are enjoined to preserve the peace and to treat them with all such friendliness as may be compatible with loyalty and allegiance to the United States.

2.02. Enemy aliens hereby are permitted to go about their business and visit friends and relatives throughout the day without special permits or

Respondent's Exhibit No. 16—(Continued)

passes except during the hours of blackout and as may be otherwise limited by this General Orders or special regulations.

2.03. All enemy aliens who fail to conduct themselves as so enjoined, in addition to being liable to restraint, shall be subject to all other penalties prescribed by law and these General Orders.

3. Regulation of Conduct of Enemy Aliens.

3.01. All enemy aliens within the Territory of Hawaii shall comply strictly with the regulations as set forth in the following paragraphs.

3.02. No enemy alien shall commit, aid, or abet any hostile act against the United States, or give information, aid, or comfort to its enemies.

3.03. No enemy alien within the Territory of Hawaii shall write, print, publish, utter, or otherwise make any attack or threats against the Government or Congress of the United States, or any branch thereof, or against the measures or policy of the United States, or against the person or property of any person in the military, naval, or civil service of the United States or of the Territory of Hawaii.

3.04. All enemy aliens shall carry on their person the alien registration card or certificate issued to them at the time of their registration under Section III of the Act of June 28, 1940.

3.05. No enemy alien shall change his place of residence or occupation within the Territory of Hawaii without first having obtained the approval of the Provost Marshal therefor. This requirement

Respondent's Exhibit No. 16 (Continued)

does not eliminate the necessity of complying with the provisions of Section 35 of the Act of June 28, 1940 (54 Stat. 675).

3.06. No enemy alien shall undertake an air flight or ascend into the air in any aircraft, balloon, or flying machine of any sort, whether owned governmentally, commercially, or privately, except upon written authority of the Contact Office, Office of the Assistant Chief of Staff, G-2, Headquarters Hawaiian Department.

3.07. No enemy alien shall have in his actual or constructive possession at any time or place, or use or operate, any of the following listed articles:

Firearms;

Weapons or implements of war or component parts thereof;

Ammunition;

Bombs;

Explosives or material used in the manufacture of explosives;

Short-wave radio receiving sets;

Transmitting sets;

Signal devices;

Codes or ciphers;

Cameras;

Materials and supplies used for the developing and printing of photographs;

Paper, documents or books in which there may be invisible writing; photographs, sketches, pictures, drawings, maps or graphical repre-

Respondent's Exhibit No. 16—(Continued)

sentations of any military or naval installations or equipment, of any arms, ammunition, implements of war, or devices or things used or intended to be used in the combat equipment of the land or naval forces of the United States, or of any military or naval post, camp or station;

Binoculars, field glasses, telescopes, or any other device used or designed for use for making observations at distances.

Any enemy alien having in his possession or under his control any article listed above will forthwith report the possession of such article to the nearest police station where he will receive instructions for the disposition thereof. Dealers, handlers, and brokers having quantities of such articles will submit a complete inventory thereof to such police station where they will receive instructions for the disposition thereof.

3.08. Any article of the classes of property listed above found in the possession of an enemy alien shall be subject to seizure and the possessor shall be subject to trial and punishment.

3.09. Any enemy alien who desires to travel between any of the districts designated by the Office of Civilian Defense on the Island of Kauai, Kauai District, will obtain a pass from the Regional Directors, Office of Civilian Defense, prior to such travel.

Respondent's Exhibit No. 16—(Continued)

By order of the Military Governor of the Territory of Hawaii:

THOMAS H. GREEN

Brigadier General, A.U.S.

Executive

10 March 1943

GENERAL ORDERS NO. 7

Military Areas

1. Purpose.
 2. Executive Order No. 9066 of the President of the United States.
 3. Hawaiian Department Prescribed as Military Area Pursuant to Executive Order No. 9066.
 4. Honolulu Defensive Sea Area.
 5. Hawaiian Maritime Control Area.
 6. West Loch Area.
 7. Iwilei Area.
 8. Waterfront Area.
 9. Protection of Waterfront Property.
 10. Emergency Waterfront Charge.
 11. Security Regulations for Vessels in Port.
 12. Kokee Restricted Area, Kauai District.
 13. Pali Road Restricted Area.
 14. Penalty for Violations.
-
1. Purpose.
 - 1.01. This General Order is issued in the interests of internal security as additional protection against possible espionage and sabotage.

Respondent's Exhibit No. 16—(Continued)

2. Executive Order No. 9066 of the President of the United States.

2.01. The following Executive Order, being Executive Order No. 9066 of the President of the United States, dated February 19, 1942, is published for the information and guidance of all concerned:

Executive Order

Authorizing the Secretary of War to
Prescribed Military Areas.

Whereas the successful prosecution of the war requires every possible protection against espionage and against sabotage to national-defense material, national-defense premises, and national-defense utilities as defined in Section 4, Act of April 20, 1918, 40 Stat. 533, as amended by the Act of November 30, 1940, 54 Stat. 1220, and the Act of August 21, 1941, 55 Stat. 655 (U.S.C., Title 50, Sec. 104):

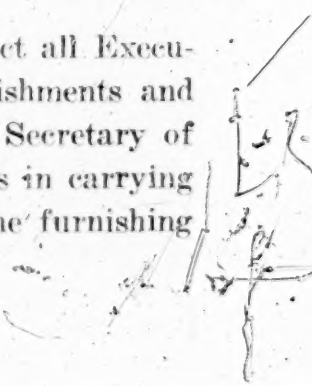
Now, Therefore, by virtue of the authority vested in me as President of the United States, and Commander in Chief of the Army and Navy, I hereby authorize and direct the Secretary of War, and the Military Commanders whom he may from time to time designate, whenever he or any designated Commander deems such action necessary or desirable to prescribe military areas in such places and of such extent as he or the appropriate Military Commander may determine, from which any or all persons may be excluded, and with respect to which, the right of any person to enter, remain in, or leave shall be

Respondent's Exhibit No. 16—(Continued)

subject to whatever restrictions the Secretary of War or the appropriate Military Commander may impose in his discretion. The Secretary of War is hereby authorized to provide for residents of any such area who are excluded therefrom, such transportation, food, shelter, and other accommodations as may be necessary, in the judgment of the Secretary of War or the said Military Commander, and until other arrangements are made, to accomplish the purpose of this order. The designation of military areas in any region or locality shall supersede designations of prohibited and restricted areas by the Attorney General under the Proclamations of December 7 and 8, 1941, and shall supersede the responsibility and authority of the Attorney General under the said Proclamations in respect of such prohibited and restricted areas.

I hereby further authorize and direct the Secretary of War and the said Military Commanders to take such other steps as he or the appropriate Military Commander may deem advisable to enforce compliance with the restrictions applicable to each Military area hereinabove authorized to be designated, including the use of Federal troops and other Federal Agencies, with authority to accept assistance of state and local agencies.

I hereby further authorize and direct all Executive Departments, independent establishments and other Federal Agencies, to assist the Secretary of War or the said Military Commanders in carrying out this Executive Order, including the furnishing



Respondent's Exhibit No. 16—(Continued)
of medical aid, hospitalization, food, clothing, transportation, use of land, shelter, and other supplies, equipment, utilities, facilities, and services.

This order shall not be construed as modifying or limiting in any way the authority heretofore granted under Executive Order No. 8972, dated December 12, 1941, nor shall it be construed as limiting or modifying the duty and responsibility of the Federal Bureau of Investigation, with respect to the investigation of alleged acts of sabotage or the duty and responsibility of the Attorney General and the Department of Justice under the Proclamations of December 7 and 8, 1941, prescribing regulations for the conduct and control of alien enemies, except as such duty and responsibility is superseded by the designation of military areas hereunder.

FRANKLIN D. ROOSEVELT

White House

February 19, 1942

3. Hawaiian Department Prescribed as Military Area Pursuant to Executive Order No. 9066.

301. All concerned hereby are notified that Delos C. Emmons, Lieutenant General, United States Army, by virtue of the authority vested in him by the President of the United States and by the Secretary of War, and by his powers and prerogatives as the Commanding General, Hawaiian Department, and as the Military Governor of the Territory of Hawaii, and as a Military Commander

Respondent's Exhibit No. 16—(Continued)
under Executive Order No. 9066 of the President of the United States, dated February 19, 1942, deeming it necessary to do so, pursuant to an order dated October 16, 1942, did declare, designate, establish, and prescribe the Hawaiian Department, to wit: All the islands belonging to the United States within the area between one hundred fifty (150) degrees west longitude and one hundred sixty (160) degrees east longitude, and between fifteen (15) degrees south latitude and thirty (30) degrees north latitude, a military area within the meaning of said Executive Order No. 9066.

4. Honolulu-Defensive Sea Area.

4.01. The following Executive Order (No. 8987) is published for the information and guidance of all concerned:

Executive Order.

Establishing Honolulu Defensive Sea Area

By virtue of the authority vested in me by section 44 of the Criminal Code as amended (U.S.C. Title 18, Sec. 96), the following-described area is hereby established and reserved, for purposes of national defense, as a naval defensive sea area, to be known as "Honolulu Defensive Sea Area":

All United States territorial waters of Honolulu Harbor, Oahu, Territory of Hawaii, its approaches and tributaries from the contour line of extreme high water as shown on the latest U.S. and G.S. charts to:

A line running south true from the shore at Koko Head, Oahu, along the meridian of Longitude 157°

Respondent's Exhibit No. 16—(Continued)

42° West, to the seaward limit of United States territorial waters;

A line running south true from Ahua Point Lighthouse to the seaward limit of United States territorial waters; and

A line running along the seaward limit of the United States territorial waters between the above-described bearing lines.

A vessel not proceeding under United States Naval or other United States authorized supervision shall not enter or navigate the waters of the Honolulu Defensive Sea Area except during daylight, when good visibility conditions prevail, and then only after specific permission has been obtained. Advance arrangements for entry into or navigation through or within the Honolulu Defensive Sea Area must be made, preferably at a United States Naval District Headquarters in advance of sailing, or by radio or visual communication on approaching the seaward limit of the area. If radio telegraph is used, the call NQO shall be made on a frequency of 500 kcs, and permission to enter the port shall be requested. The name of the vessel, purpose of entry, and name of the master must be given in the request. If visual communications are used, the procedure shall be essentially the same.

A vessel entering or navigating the waters of the Honolulu Defensive Sea Area does so at its own risk.

Even though permission has been obtained, it is incumbent upon a vessel entering the Honolulu De-

Respondent's Exhibit No. 16—(Continued)

defensive Sea Area to obey any further instructions received from the United States Navy, or other United States authority.

A vessel may expect supervision of its movements within the Honolulu Defensive Sea Area, either through surface craft or aircraft. Such controlling surface craft or aircraft will be identified by a prominent display of the Union Jack. The loading or unloading by vessels of oil fuel or other inflammable or explosive materials shall be under the control of the local Naval authority, who shall require such loading or unloading to be accomplished in such manner and at such times as will safeguard the other activities within the Honolulu Defensive Sea Area essential to the national defense.

• These regulations are subject to amplification by the local United States Naval authority as necessary to meet local circumstances and conditions.

When a United States Maritime Control Area is established adjacent to or abutting upon the above-established adjacent defensive sea area, it shall be assumed that permission to enter, and other instructions issued by proper authority, shall apply to any one continuous passage through or within both areas.

Any master of a vessel or other person within the Honolulu Defensive Sea Area who disregards these regulations, or fails to obey an order of United States Naval authority to stop or heave to, or performs any act threatening the efficiency of mines or

Respondent's Exhibit No. 16—(Continued)
other defenses or the safety of navigation, or takes any action inimical to the interests of the United States, may be detained therein by force of arms, and shall be liable to attack by United States armed forces, and liable to prosecution as provided for in section 44 of the Criminal Code as amended (U.S.C., title 18, sec. 96).

All United States Government authorities shall place at the disposal of the Naval authorities their facilities for aiding in the enforcement of these regulations. The Governor of the Territory of Hawaii, the local municipal authorities, and the local civilian defense agencies are called upon to render the local Naval authorities all possible assistance in the enforcement of these regulations.

This order shall not be construed as modifying in any way the proclamation of the Governor of the Territory of Hawaii placing the Territory of Hawaii under martial law.

The Secretary of the Navy is charged with the publication and enforcement of these regulations.

FRANKLIN D. ROOSEVELT

The White House

December 20, 1941.

5. Hawaiian Maritime Control Area.

5.01. The following proclamation is published for the information and guidance of all concerned:

Respondent's Exhibit No. 16—(Continued)

By the President of the United States
of America

A Proclamation

Whereas the United States is now at war, and the establishment of the maritime control area hereinafter described is necessary in the interests of national defense:

Now, Therefore, I, Franklin D. Roosevelt, President of the United States of America, by virtue of the authority vested in me as President of the United States, and as Commander-in-Chief of the Army and Navy of the United States, and in accordance with the principle of self-defense of the Law of Nations, do hereby proclaim and establish the following-described area as the Hawaiian Maritime Control Area, and prescribe the following regulations for the control thereof:

Hawaiian Maritime Control Area

All waters contained within the area delimited by lines connecting successively the following points:

Latitude 22° 31' N.	Longitude 158° W.
Latitude 21° N.	Longitude 155° 30' W.
Latitude 20° 30' N.	Longitude 155° 30' W.
Latitude 20° N.	Longitude 156° 30' W.
Latitude 21° N.	Longitude 159° W.
Latitude 22° N.	Longitude 159° W.
Latitude 22° 30' N.	Longitude 156° W.

Respondent's Exhibit No. 16—(Continued)

Regulations for the Control of Hawaiian Maritime
Control Area

1. A vessel not proceeding under United States Naval or other United States authorized supervision shall not enter or navigate the waters of the Hawaiian Maritime Control Area except during daylight, when good visibility conditions prevail, and then only after specific permission has been obtained. Advance arrangements for entry into or navigation through or within the said Area must be made, preferably by application at a United States Naval District Headquarters in advance of sailing, or by radio or visual communication on approaching the seaward limits of the area. If radio telegraphy is used, the call "NQO." shall be made on a frequency of 500 kes, and permission to enter the port requested. The name of the vessel, purpose of entry, and name of master must be given in the request. If visual communications are used, the procedure shall be essentially the same.

2. Even though permission has been obtained, it is incumbent upon a vessel entering the said Area to obey any further instructions received from the United States Navy, or other United States authority.

3. A vessel may expect supervision of its movements within the said Area, either through surface craft or aircraft. Such controlling surface craft and aircraft shall be identified by a prominent display of the Union Jack.

Respondent's Exhibit No. 16—(Continued)

4. These regulations may be supplemented by regulations of the local United States naval authority as necessary to meet local circumstances and conditions.

5. Should any vessel or person within the said area disregard these regulations or regulations issued pursuant hereto, or fail to obey an order of the United States naval authority, or perform any act threatening the efficiency of mine or other defenses, or take any action therein inimical to the defense of the United States, such vessel or person may be subjected to the force necessary to require compliance, and may be liable to detention or arrest, or penalties or forfeiture, in accordance with law, the law applicable to violations committed on the high seas being international law.

The Secretary of the Navy is charged with enforcement of these regulations.

In Witness Whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the City of Washington, this 27th day of December in the year of our Lord nineteen hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

[Seal] /s/ FRANKLIN D. ROOSEVELT

By the President:

/s/ CORDELL HULL

Secretary of State.

Respondent's Exhibit No. 16—(Continued)

6. West Loch Area.

6.01. There is hereby created and established in the interests of military necessity and public safety, a restricted military area, consisting of the general area adjacent to and immediately west of West Loch, Pearl Harbor, Island of Oahu, Territory of Hawaii, in accordance with boundary lines as now established and determined. Said area shall be evacuated of all persons except those to whom passes to return have been issued. Such evacuation shall be conducted under the supervision of the Provost Marshal, Hawaiian Department.

7. Iwilei Area.

7.01. There is hereby created and established, in the interests of military necessity and public safety, a restricted military area on the Island of Oahu, consisting of the Iwilei Area, bounded as follows:

Kapalama Drainage Canal from Kapalama Basin to Dillingham Boulevard; thence along the south side of Dillingham Boulevard to a point about 200 feet west of King Street; thence along the easterly (mauka) boundary of that portion of Oahu Railway and Land Company land which is used for railway yards, shops, offices, and station to a point on King Street about 320 feet north of Iwilei Road; thence along King Street to Iwilei Road; thence along the north side of Iwilei Road to Queen Street; thence along the west side of Queen Street to Pier 15, inclusive; thence along the harbor line in a westerly direction to the channel connecting Honolulu Harbor with Kapalama Basin; thence along said channel

Respondent's Exhibit No. 16—(Continued)

to Kapalama Basin; thence along the easterly boundary of Kapalama Basin to the Kapalama Drainage Canal.

Said area shall be evacuated of all persons except those to whom passes to return have been issued. Such evacuation shall be conducted under the supervision of the Provost Marshal, Hawaiian Department.

8. Waterfront Area.

8.01. There is hereby created and established, in the interests of military necessity and public safety, a restricted military area, consisting of the waterfront area of the City and County of Honolulu, Territory of Hawaii, described as follows:

The waterfront area of Honolulu makai of the following Described Line: Commencing at the ewa mauka corner of Ala Moana and South Streets; thence ewa on Ala Moana Street to an iron fence on the ewa side of premises occupied by the Contractors, Pacific Naval Air Bases; thence along said fence to the makai side of Punchbowl Street; thence to the makai side of Halekauwila Street; thence ewa on Halekauwila Street to the ewa side of Fort Street; thence mauka on Fort Street to the makai side of North Queen Street; thence along Queen Street to the waikiki side of Awa Street; thence along Awa Street to the mauka end of Pier 18; thence makai along ewa side of Pier 18 to Pier 19; thence ewa along mauka side of buildings of Pier 19 and across railroad spur to a point

Respondent's Exhibit No. 16—(Continued)
ten (10) feet ewa of said railroad spur; thence mauka parallel to railroad spur to makai side of pavement; thence ewa along pavement to Pier 24; thence mauka in front of Oahu Railway and Land Company to Pacific Street; thence along the makai side of Pacific Street; thence mauka across Pacific Street to Honolulu Gas Company, Ltd.; thence around the Honolulu Gas Company, Ltd.'s property; thence along the ewa side of Union Oil Company of California's plant to Hart Road; thence ewa on mauka side of Hart Road to the Kapalama Drainage Canal.

8.02. Entry into the above Restricted Area shall be limited to those individuals and vehicles properly identified and employed therein or on business pertaining to the United States, Territorial and Municipal governments, and to properly identified passengers of Inter-Island and Trans-Pacific ships. All persons regularly required to enter this area shall be furnished with a C. I. B. photographic badge and the Provost Marshal Waterfront pass or other photographic badge or pass approved by the Military Governor.

8.03. No person shall enter, be in, or remain in, said Waterfront Area or any part or portion thereof unless duly authorized to do so by the Military Governor of the Territory of Hawaii, his duly authorized agents or representatives, or by other competent authority.

Respondent's Exhibit No. 16—(Continued)

8.04. The employment of enemy aliens in the Restricted Area will be permitted only under conditions prescribed by the Provost Marshal, Hawaiian Department.

8.05. Parking of motor vehicles at any place within the Restricted Area, is prohibited, except as may be authorized by the Provost Marshal, Hawaiian Department.

8.06. The military authorities will erect such fences and barricades along the Described Line or anywhere within the Restricted Area as deemed proper for security and military necessity. Such other restrictions as shall be required for the Restricted Area shall be as designated from time to time by the Provost Marshal.

9. Protection of Waterfront Property.

9.01. Smoking by any person on or in any dock, wharf, tank farm, or warehouse located thereon in the Territory of Hawaii is prohibited, except in such places as may be designated for this purpose by the Captain of the Port.

9.02. No fire shall be built on or in any dock, wharf, tank farm, or warehouse located thereon in the Territory of Hawaii, without the written consent of the District Captain of the Port Officer or the Captain of the Port in which such dock, wharf, tank farm, or warehouse is located.

9.03. Nothing contained in this General Orders shall be construed as modifying or suspending any existing Federal or Territorial statute or any Proclamation or Executive Order of the President of the

Respondent's Exhibit No. 16.—(Continued)
United States, or any General Orders of the Military Governor.

10. Emergency Waterfront Charge.

10.01 Castle & Cooke Terminals, Limited, hereby is authorized and directed to perform such duties with respect to the guarding of vessels, cargo and piers in Honolulu Harbor as it may be directed to do by the Director of Cargo and Passenger Control, Office of the Military Governor. Payment for such services as Castle & Cooke Terminals, Limited, performs pursuant to this Title 10 shall be made from the Emergency Waterfront Fund upon presentation of certified bills approved by the Director of Cargo and Passenger Control, Office of the Military Governor.

10.02. All vessels except harbor craft (including tugs and barges) based at Honolulu, berthed in Honolulu Harbor at any pier not under lease to or owned by the Federal Government, shall be charged and shall pay to the Emergency Waterfront Fund an Emergency Waterfront Charge. Effective forthwith, the Emergency Waterfront Charge shall be one cent (\$0.01) per net registered ton for each half-day or fraction thereof that the ship is at the dock. The periods from Noon to Midnight and from Midnight to Noon shall each constitute a half-day.

10.03. The Board of Harbor Commissioners of the Territory of Hawaii is hereby designated as the fiscal agent of the Military Governor for the purpose of administering the Emergency Water-

Respondent's Exhibit No. 16—(Continued)

front Fund. All charges under the Emergency Waterfront Charge shall be made and collected by said Board and all receipts therefrom shall be deposited in the Bishop National Bank of Hawaii, at Honolulu, T. H., to the credit of the Emergency Waterfront Fund O.M.G. Disbursements shall be made on checks signed by the administrative officer of the Board of Harbor Commissioners and countersigned by the Finance Officer in the Office of the Military Governor.

10.04. Such funds as may be available in the Emergency Waterfront Fund shall be used to pay Castle & Cooke Terminals, Limited, for emergency patrol work and also to pay for such other expenses incidental to the guarding of vessels, cargoes, and piers in Honolulu Harbor as may be authorized and approved by the Director of Cargo and Passenger Control, Office of the Military Governor.

11. Security Regulations for Vessels in Port.

11.01. The following regulations quoted from Title 33, Chapter I, Part 6, Subpart E, approved by the President on 31 December 1942, issued pursuant to the authority contained in section 1, Title II, of the Espionage Act approved June 15, 1917, 40 Stat. 220 (U.S.C. title 50, sec. 191), as amended by the Act of November 15, 1941 (55 Stat. 763), and by virtue of the Proclamation and Executive Order issued June 27, 1940 (5 F.R. 2419), and November 1, 1941 (6 F.R. 5581), and as quoted in Port Security Order No. 1-43, 20 January 1943, respec-

Respondent's Exhibit No. 16—(Continued)

tively, are published for the information and guidance of, and compliance by, all concerned:

“Sec. 6.331. When Guards Shall Be Used:

On all vessels guards shall be employed in accordance with the following schedule in addition to the crew requirements set forth under the section on manning:

- (c) Fire Guards: On self propelled vessels of 1000 gross tons or over when under repair a fire guard shall be maintained in each compartment or place in which there is in use portable apparatus such as for welding, burning, and riveting, or in which sparks or sufficient heat to cause combustion may be transmitted if such space or adjacent spaces contain combustible materials likely to become ignited, from the time such work is started until after it is completed.

✓ “Sec. 6.332. How Guards Are Provided: The master, vessel owner, operator, and agent shall provide all guards required by the regulations in this subpart, except where such guards are provided by military authority.

“Sec. 6.380. Responsibility for Compliance by Crew and Others: The master, owner, operator, and agent of the vessel shall require strict compliance by the members of the crew, guards, and others with the regulations contained in this subpart and shall instruct them therein. Violations of the regulations contained in this

Respondent's Exhibit No. 16—(Continued)
subpart shall be reported to the Captain of the Port.

"Sec. 6.381. Return to Ship in Emergency: When officers and men are ashore and a state of emergency is announced in the port, they shall endeavor to proceed with all possible speed to their ship.

"Sec. 6.382. Discussion of Ship's Business: Officers, crew members, and others shall not discuss ship's business or inform anyone of any anticipated movement of the vessel except as required in the line of duty and then only with persons having proper credentials. Ship's business shall not be discussed within the hearing of those not officially involved.

"Sec. 6.383. Possession of Binoculars and Telescopes: Binoculars and telescopes on vessels shall be in the possession of the master, officers and lookouts only.

"Sec. 6.384. Sailing Time: In no case shall a sailing time be posted or announced and every effort shall be made to keep information in relation thereto and to the future movements of the vessel secret.

"Sec. 6.385. Provision for Smoking: The master shall post a notice in a conspicuous place stating where smoking shall and shall not be permitted aboard. In no case shall smoking be permitted:

- (a) On weather decks when moored to a dock, pier, wharf, or other waterfront facility.

Respondent's Exhibit No. 16—(Continued)

- (b) When loading or discharging explosives.
- (c) In cargo spaces.
- (d) When gas freeing ship's tanks or when loading Grade A, B or C liquid inflammable cargo in bulk, except that the master may permit smoking in lounge and mess rooms, in fire rooms when boiler fires are lighted, and in engine rooms when machinery is in operation."

11.02. The regulations set forth in this Title 11, and amendments thereto, shall be enforced by the Captains of the Port.

12. Kokee Restricted Area, Kauai District.

12.01. There is hereby created and established, in the interest of military necessity, a restricted military area consisting of the general area commonly known as the Kokee Area, on the Island of Kauai, Kauai District.

12.02. Civilians will be permitted to enter this Kokee Restricted Area and occupy summer residences therein only after having procured a pass from the Provost Marshal by applying at the Office of Civilian Affairs, Court House, Lihue, Kauai.

12.03. Passes will be issued to the owner or lessee of the property to be occupied, and to each member of the family, guests, servants, employees and to any workmen who may be engaged to perform contract labor about the premises. The name of the owner or lessee will appear on all passes issued, and he or she will be directly responsible

Respondent's Exhibit No. 16—(Continued)

for the observance of all regulations by any person issued a pass in the name of said owner or lessee.

12.04. Any violation of these regulations by the holder of a pass will subject all members of the household to the penalty of having their passes revoked.

12.05. Tradesmen and others having legitimate business in the Kokee area or in the vicinity of the restricted area may be issued passes. In the event of a violation of any regulation governing this area, the pass privilege of the tradesman or the concern whose representative was guilty of the violation will be revoked.

12.06. The maximum speed for all vehicles, using the Kokee road North of the Belt Road junction, is 25 M.P.H.

12.07. A copy of this Title 12 shall be conspicuously posted in each occupied house in the Kokee area.

12.08. Strict compliance with all General Orders such as blackout and curfew will be observed. The use of trails and roads in the general vicinity of the CCC Camp is prohibited North and West of the boundary line between the districts of Waimea and Hanalei. The restricted area has been designated as a military reservation and is clearly marked by signs and fences.

12.09. Persons trespassing on the military reservation shall be subject to a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment for not

Respondent's Exhibit No. 16—(Continued)
more than one (1) year, or both fine and imprisonment.

13. Pali Road Restricted Area.

13.01. Pali Road Restricted Area hereby is designated and declared to be a military area and shall be that area on, adjacent to, or in the vicinity of the Pali Road on the Island of Oahu, Territory of Hawaii, from a point on the Honolulu side of said Pali Road one-quarter of a mile from the summit thereof to a point on the Kaneohe side where said Pali Road intersects Highway No. 1.

13.02. No person shall photograph, or take pictures from, on, in, or of, the Pali Road Restricted Area, or any portion thereof.

14. Penalty for Violations.

14.01. Any person who violates or evades, or attempts to violate or evade, any of the provisions of paragraphs 11.01 and 11.02, or any other provision of this General Orders, upon conviction thereof, shall be punished by confinement, with or without hard labor, for a period not to exceed one (1) year, or by a fine not to exceed One Thousand Dollars (\$1000.00), or by both such confinement and fine.

By order of the Military Governor of the Territory of Hawaii:

THOMAS H. GREEN

Brigadier General, A.U.S.

Executive

Respondent's Exhibit No. 16—(Continued)

10 March 1943

GENERAL ORDERS No. 8

Identification and Registration

1. Purpose.
2. Central Identification Bureau.
3. Identification Passes for Entry to Military Establishments.
4. Solicitors.
5. Explosives and other Dangerous Materials.
6. Obsolete Passes.
7. Notice of Change of Address.
8. Registration of Laboratories.
9. Registration of Persons with Service in Armed Forces of Foreign Governments.
10. Wearing of Khaki Clothing by Civilians.
11. Brassards (Arm Bands) for Navy and Marine Officers.
12. Office of the Military Governor Brassard (Arm Band).
13. Penalty for Violations.

1. Purpose.

1.01. This General Orders is issued in the interests of internal security as additional protection against possible espionage and sabotage.

2. Central Identification Bureau.

2.01. The establishment of the Central Identification Bureau also known as C.I.B., as a bureau of the Office of the Military Governor, hereby is confirmed.

2.02. The function of the Central Identification

Respondent's Exhibit No. 16—(Continued)

Bureau shall be the issuance of means of identification to persons who are required to have such identification in order to gain access to military and naval reservations and other areas, and for such other purposes as may be required by Orders of the Military Governor.

2.03. Any applicant desiring a C.I.B. badge or other means of identification issued by it shall prepare the application form and such other data as may be required from time to time by the Bureau and personally present and submit the same at the office of said Bureau. The employer shall assist and supervise the preparation of such application and data for employees desiring such means of identification.

2.04. Any person receiving such means of identification shall, within forty-eight hours after expiration of the period of time for which it was issued, or within forty-eight hours after termination of the employment recited in such application as the basis for issuance thereof, deliver or mail such means of identification to the Central Identification Bureau.

2.05. No person shall copy or duplicate, or attempt to copy or duplicate, any such means of identification, or any part thereof, issued by said Bureau; nor shall any person secure, or attempt to secure, or aid or abet another person in securing, or attempting to secure, such means of identification under false pretenses; nor shall any person take, carry, remove, or send, or attempt to so do, any such means of identification from the Territory

Respondent's Exhibit No. 16—(Continued)

of Hawaii except seafaring persons who have been issued Captain of the Port badges as sanctioned by the Coast Guard; nor shall any person commit, or attempt to commit, a fraudulent use of any such means of identification; nor shall any person commit, or attempt to commit, a fraudulent entry to any military or naval reservation or other restricted military or naval area by use of such means of identification.

3. Identification Passes for Entry to Military Establishments.

3.01. Effective 15 March 1943, the Central Identification Bureau will be the authorized agency to issue passes to civilian personnel for entrance to military establishments, posts, air fields, and restricted areas. Identification passes will be issued by the C.I.B. only with the recorded prior approval of the commander responsible for security of the post or other installation concerned.

3.02. Identification passes will be issued according to the provisions of the following paragraphs.

3.03. The Standard Identification Pass. The Standard Identification Pass will consist of a badge, bearing the name and photograph of the person to whom issued, his duty or occupation, the establishment or area to which entry is authorized, a recorded serial number, and the impression seal of the Central Identification Bureau.

3.04. The "Special" Identification Pass. In all cases where the standard identification pass will not suffice, either because entry to more than one establishment or area is authorized, because the scope of

Respondent's Exhibit No. 16—(Continued)

authorized activities cannot be described on the standard identification pass, or because employment is of a temporary nature and may be at varying locations, a "Special" identification pass will be issued. The "Special" pass will be similar to the standard pass in all respects, except that on the "Special" pass a red band bearing the word "Special" will be substituted for the name of the restricted areas or establishments to which entry is authorized. The "Special" pass must be accompanied by an identification card pass bearing the same serial number as the "Special" pass, setting forth the restricted areas or establishments to which entry is authorized and the scope of the bearer's activities. The card pass, as well as the "Special" badge, will be required as authority for admittance to the designated areas.

3.05. Employers desiring passes for employees will submit a list of such employees to the Commanding Officer of each military establishment or restricted area to which entry is desired, stating in each case the name of the employee, the duty performed, and the installations or area to which admittance is desired. The Commanding Officer, if he approves, will refer the request to the C.I.B. where the history of each individual will be examined. The required form of badge will be issued by the C.I.B. to those individuals whose credentials are acceptable.

3.06. Commanding Officers of military establishments may at any time revoke the authority to enter. In such event, the C.I.B. will recall the badge,

Respondent's Exhibit No. 16—(Continued)
or "Special" badge and identification card, and if necessary will issue a new identification card, omitting the post, establishment, or area to which authority to enter has been revoked.

3.07. Where duties require enlisted men to enter regularly one or more restricted areas to which the soldier's uniform and identification tags are insufficient identification Commanding Officers will secure C.I.B. passes as prescribed above for civilians.

3.08. No passes other than the service identification card will be required of commissioned officers (of the Armed Services), except where a special pass for certain installations is prescribed by the Department Commander.

4. Solicitors.

4.01. The term "solicitor," as used in this Title 4, shall include, and hereby is defined to mean, any person who, within the Territory of Hawaii, goes from house to house, or from place to place, selling, soliciting, or taking orders for, or offering to sell or take orders for, farm products, goods, wares, merchandise, or memberships, shares, certificates, or similar interests in any group, club, lodge, or society. Insurance salesmen, persons who go from house to house or place to place to deliver newspapers or milk or to collect garbage or to pick up or deliver property of any kind, and agents, employees, or representatives of privately owned public utilities, who go from house to house or place to place, regularly or occasionally during the course of their employment, shall be deemed to be solicitors within the meaning of the provisions of this Title. It shall

Respondent's Exhibit No. 16—(Continued)

be no defense in the prosecution of any person charged with a violation of any of the provisions of this General Orders that such person did not demand, solicit, accept, or receive payment or deposit of money in connection with any of the aforesaid acts or matters: nor will it be necessary for the accuser or prosecutor to allege or prove, or for the Court to find, in any such prosecution that any such person so charged was regularly engaged or employed as a solicitor, but it will be sufficient to establish that such person is a solicitor within the meaning of this General Orders if such person irregularly or occasionally does any of the acts mentioned in the first two sentences of this paragraph.

4.02. No person shall act as, or do an act as, or be, a solicitor within the Territory of Hawaii after March 15, 1943, without first having obtained a solicitor's identification card from the Central Identification Bureau of the Office of the Military Governor, at Honolulu, T. H. Solicitors shall retain their solicitor's identification card on their person at all times and exhibit such card upon demand by any municipal, territorial, or federal police officer, or upon demand by any duly authorized member of the United States Naval Intelligence or Military Intelligence Division. No person other than the person to whom such solicitor's identification card duly has been issued by the said Central Identification Bureau, shall possess or use in any manner, said solicitor's identification card.

4.03. None of the provisions of Paragraphs 4.01

Respondent's Exhibit No. 16—(Continued)

and 4.02 above shall be applicable to any person under sixteen (16) years of age, nor to any municipal, territorial, or federal employees.

5. Explosives.

5.01. Persons, corporations, partnerships and other associations handling explosives on wharves or harbor installations or transporting such explosives from place to place, will obtain for each person engaged in such transportation a special identification card from the Central Identification Bureau.

5.02. The identification card will be issued to the employer for distribution to the employee and will be returned to the Central Identification Bureau upon the separation of the employee from the services of the employer to whom it was issued. Absence from employment for three consecutive days without leave of absence will be equivalent to separation. Upon separation from employment the identification card becomes null and void and the person covered by it is not thereafter authorized to use it for any purpose. If the employee is re-employed, the old identification card must be surrendered to the Central Identification Bureau and a new one must be obtained. The employer, or his agent, is charged with obtaining the identification card from any employee who is separated from the employer's services and, in the event such identification card is not recovered, a report of this fact will be submitted to the Central Identification Bu-

Respondent's Exhibit No. 16—(Continued)
reau within seven (7) days after the date of separation from service.

5.63. In the event that explosives are to be transported in vehicles on the roads and highways of the Territory of Hawaii they will be covered by tarpaulin or other similar type of covering and securely lashed. There will be placed in a conspicuous location on the front and rear of each vehicle loaded with explosives moving singly on roads and highways, a red placard or sign with the words "Danger—Explosives" painted in white letters not less than five (5) inches in height. Two or more vehicles carrying explosives and traveling in convoy will have a similar sign on the front of the leading vehicle and on the rear of the last vehicle and will be accompanied by military police escort. On the Island of Oahu, call 1211, local 97, for escorts. On other islands, call the District Provost Marshal for escorts.

5.04. In the event explosives are to be handled in or transported from, to or through a military or naval installation (restricted areas and zones included) the written approval of the Commanding Officer or the Officer in Charge of that installation must be obtained prior to any movement. In the case of the restricted waterfront area as defined and delimited by General Orders No. 7, the written approval of the Captain of the Port, Honolulu, or other officer designated by him, shall be obtained prior to any explosive being handled in or transported from, to, or through such restricted area.

Respondent's Exhibit No. 16—(Continued).

5.05. Nothing herein contained shall be deemed to limit the jurisdiction granted by statute, executive order, or regulation to any Federal agency over harbors, wharves, docks or other harbor facilities and activities therein. Any person transporting explosives shall comply fully with the Federal Explosives Act of December 26, 1941, (Public Law 381 77th Cong.) and the regulations issued pursuant thereto, and all Territorial statutes and Municipal Ordinances with reference thereto.

5.06. In addition to the above requirements of this Title 5, the following regulation shall be applicable to civilians and government agencies in the Kauai District having explosives on hand:

Commencing with the effective date of this General Orders any changes in inventories of all explosives on hand will be reported to the District Engineer for the Office of Civilian Affairs within 24 hours, showing location of explosives, quantities, types and strength.

Shipments into the County and District of Kauai will be reported by the Army Transport Service to the District Engineer upon arrival.

No explosives may be shipped out of the Island without the prior approval of the District Engineer.

The District Engineer will maintain an inventory of all explosives on the Island, will make frequent inspections of all explosive dumps, will verify reports and will check on the condition of the explosives and storage facilities.

6. Obsolete Passes.

6.01. Every person to whom a pass or an identi-

Respondent's Exhibit No. 16—(Continued)

fication badge has been issued for entry to a military or naval reservation, or a national defense project, who is not at present employed on the military or naval reservation, or national defense project, for which such pass or badge was issued, and every person whose pass to enter any such reservation or project has expired, or which has been declared cancelled or has just been recalled by the issuing authority and who now has such pass or badge in his possession, shall forthwith deliver or mail such pass or badge to the Central Identification Bureau, Honolulu, T. H.

6.02. No person who is at present not employed on the military or naval reservation, or national defense project, for which he was issued a pass or an identification badge, and no person whose pass to enter a military or naval reservation has expired, or has been declared cancelled or has been recalled by the issuing authority, shall use such obsolete pass or badge to gain entry to any such reservation or project by the use of such pass or badge.

6.03. Any person who shall lose any badge or pass mentioned in this General Orders, or whose badge or pass has been destroyed, mutilated, or defaced, shall report said loss, destruction, or mutilation in person to the Central Identification Bureau, within forty-eight (48) hours thereafter.

7. Notice of Change of Address.

7.01. The term "residence," as used in Paragraphs 7.02 and 7.03 below, shall include, and hereby is defined to mean, the house, cottage, apartment, or other place of residence or abode, being cur-

Respondent's Exhibit No. 16—(Continued)

rently and immediately used and occupied within the Territory of Hawaii by the person or persons to whom reference is made in said Paragraphs 7.02 and 7.03. It is not intended that the term "residence," as used in said Paragraphs 7.02 and 7.03 shall refer to or include a residence or domicile without the Territory of Hawaii, nor the permanent residence or domicile of such person within the Territory of Hawaii unless such permanent residence or domicile is also the place of abode being currently and immediately used and occupied within the Territory of Hawaii by such person and in which such person actually lives.

7.02. Any person within the Territory of Hawaii, who, heretofore has furnished, or hereafter shall furnish, a Personal History Declaration to the Central Identification Bureau of the Office of the Military Governor or to any office, officer, agency, agent, or department of the United States Navy or of the Army of the United States, or to any office, officer, agency, agent, or department of the United States, and who subsequent to the date hereof and after having so furnished such Personal History Declaration, shall change his or her residence within the Territory of Hawaii, shall, within seventy-two (72) hours after so changing such residence, notify the said Central Identification Bureau in writing, or in person, of the fact that such person has changed such residence and of the residence address which said person has acquired or obtained by reason of said change of residence, and, if a telephone is available to such person at the

Respondent's Exhibit No. 16—(Continued)

said residence address so acquired by such change, the number thereof.

7.03. Any person, who prior to the date hereof, shall have so furnished such a Personal History Declaration and who has heretofore changed his or her residence, and failed, neglected, or refused to furnish his or her current residence address to said Central Identification Bureau, shall not later than April 1, 1943, furnish said current residence address and telephone number, if any, in writing or in person, to said Central Identification Bureau.

8. Registration of Laboratories.

8.01. The owner or owners, director or directors, proprietor or proprietors, or other person or persons in charge of each laboratory in the Territory of Hawaii, whether such laboratory be a public or private laboratory, or a commercial, research, or educational laboratory, or a laboratory of a kind or nature other than that specifically mentioned herein, shall forthwith register such laboratory either by mail or in person, with the Office of the Military Governor of the Territory of Hawaii at Honolulu, T. H., by furnishing said office with a signed written statement containing the following pertinent information relative to such laboratory, to wit:

Name of laboratory;

Address of laboratory;

Ownership;

Type of work done in laboratory;

A list of all personnel, including the director, stating the name, age, address, birthplace, nationality, and type of work done by each in the

Respondent's Exhibit No. 16—(Continued)

laboratory. This list shall include similar information in the case of all personnel employed in, or associated with the laboratory within the past five years, and shall give their present addresses if known.

8.02. A laboratory, for the purposes of this General Orders shall be defined to mean, and shall include, any institution, establishment, business, place, or agency, engaged in chemical, bacteriological, or pathological investigation as an aid to industry, medical practice, experimentation, or teaching.

8.03. Laboratories heretofore registered under prior General Orders of the Military Governor are hereby expressly exempted from the requirement as to registration contained in the provisions of Paragraph 8.01 above.

8.04. Access will be afforded at all times to the Military Governor or his representative for inspection of all laboratories required to be registered by the provisions of this General Orders.

8.05. Any change in the status or personnel of a laboratory, or in any information furnished the Office of the Military Governor pursuant to this Title 8, shall be reported to said office in writing immediately after such change.

9. Registration of Persons With Service in Armed Forces of Foreign Governments.

9.01. Any person present within the Territory of Hawaii who has had service in the armed forces of any government or country other than the United States will forthwith report and submit, in

Respondent's Exhibit No. 16—(Continued) \
triplicate, to the nearest police station, a full and complete statement as to such service on the form provided for that purpose by the Military Governor. Such police stations will immediately forward these reports to the Office of the Military Governor.

9.02. Any such person hereafter entering the Territory of Hawaii shall so report and submit such statement within five (5) days after entry.

9.03. The term "service in the armed forces" shall mean service in the Army, Navy, Police Department, Intelligence Service, or other investigative agency, or any other military or naval branch or division, and shall also include attendance in any school, college or other institution of learning, teaching or giving R.O.T.C. training or its equivalent, or any other military or naval training or preparation.

9.04. The provisions of this Title 9 shall not apply to enemy aliens who have heretofore registered such service, nor shall it apply to members of the Armed Forces of the United States.

10. Wearing of Khaki Clothing by Civilians.

10.01. The wearing by other than service personnel of the duly prescribed uniform for the United States Army, Navy, Marine Corps, and Coast Guard, or similar clothing is prohibited.

10.02. The following rules will govern the wearing of outer articles of the prescribed uniform by other than service personnel:

Khaki shirts khaki trousers, and steel helmets may be worn while on duty by members of law enforcement and other governmental

Respondent's Exhibit No. 16—(Continued)
agencies, and such civilian organizations as may be designated by the Military Governor.

The khaki shirt together with the khaki trousers may be worn by civilian guards and certain other civilians engaged on duties with Army or Navy installations which require the wearing of such clothing while on duty at their specified place of work, but such clothing may not be worn away from the place of duty or on the streets. Authority to wear khaki clothing for this purpose must be obtained from the Military Governor or his District Representative, by the officer in charge of the activity under whom the civilian is working.

All other civilians may wear either the khaki trousers or khaki shirts at any time or place, but a combination of a khaki shirt and khaki trousers or other clothing which is similar to the Army, Navy, or Marine uniforms is prohibited.

11. Brassards (Arm Bands) for Navy and Marine Officers.

11.01. The Commandant, Fourteenth Naval District, has prescribed the wearing of brassards (arm bands) by certain designated Navy and Marine officers while on official duty outside naval reservations. The brassards are described as follows:

For officers of the Fourteenth Naval District:
Gold lettering "14ND" on a white flannel background, brassard measuring four inches wide by eleven inches long, lettering $3\frac{1}{8}$ inches long by $\frac{1}{2}$ inch wide.

Respondent's Exhibit No. 16—(Continued)

For officers of the Naval Transportation Service on official missions involving special identification: Blue lettering "NTS" on a white flannel background, brassard measuring four inches wide by eleven inches long, lettering $3\frac{1}{8}$ inches long by $\frac{5}{8}$ inch wide.

For officers of the Supply Corps on official missions: Green lettering "SD NYPH" on a white flannel background, brassard measuring four inches wide by eleven inches long, lettering $1\frac{5}{8}$ inches long by $\frac{3}{8}$ inch wide.

11.02. All military and civilian personnel are instructed to pass officers wearing the brassards described hereinabove with the least possible delay.

11.03. The Provost Marshal, Hawaiian Department, will be furnished by the Commandant, Fourteenth Naval District, with a list of the officers authorized to wear brassards.

12. Office of the Military Governor Brassard (Arm Band).

12.01. Officers and enlisted men of the Army of the United States, except Military Police, on duty in the Office of the Military Governor, will wear a brassard (arm band) on the left arm as follows:

Green band, three inches wide with the letters "OMG" thereon in white.

12.02. All military and civilian personnel are instructed to pass persons wearing such bands with the least possible delay.

12.03. The Executive of the Military Governor will furnish to the Provost Marshal the name of

Respondent's Exhibit No. 16—(Continued)

each person on duty in the Office of the Military Governor who is authorized to wear a brassard as described in Paragraph 12.01 above.

13. Penalty for Violations.

13.01. Any person, firm, or corporation, who or which violates, refuses, fails, or neglects to comply with any of the provisions of this General Orders, or furnishes any false information in compliance with any of the provisions of this General Orders, or who or which evades or attempts to evade any of the provisions hereof, upon conviction thereof, shall be punished by confinement with or without hard labor not to exceed five (5) years, or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such confinement and fine.

By order of the Military Governor of the Territory of Hawaii:

THOMAS H. GREEN

Brigadier General, A.U.S.

Executive

10 March 1943.

GENERAL ORDERS No. 9

Communications

1. Purpose.
2. Telephone.
3. Radio Regulations.
4. Radio Dealers' Regulations.
5. Signal Representative, Office of the Military Governor.
6. Use and Operation of Electrical Diathermy Type Machines.

Respondent's Exhibit No. 16—(Continued)

7. Photographic Materials Rules.
8. Cameras and Photography.
9. Carriage of Information to the Mainland.
10. Pigeons.
11. Penalty for Violation.

1. Purpose.

1.01. This General Orders is issued in the interests of internal security as additional protection against possible espionage and sabotage.

2. Telephone.

2.01. All activities of the Mutual Telephone Company except those activities associated with the Transpacific Radiotelephone Service, are placed under the control of the Department Signal Officer for the purpose of providing the maximum use of the facilities to the armed forces. The Department Signal Officer will supervise the use and disposition of all stocks of supplies and equipment on hand or received by the Mutual Telephone Company.

2.02. No action of any nature will be undertaken by any official of the Mutual Telephone Company at any time which would operate to interfere with or deprive the armed forces of the maximum use of any facility of the Mutual Telephone Company now available or which may become available, without prior approval of the Department Signal Officer.

3. Radio Regulations.

3.01. Definitions. For the purpose of this General Orders, unless the context otherwise requires, the following terms and equivalent expressions shall have the following respective meanings:

Respondent's Exhibit No. 16—(Continued)

"Person" shall mean any individual, partnership, company, association, corporation, agency or other organized group of persons.

"Radio equipment" shall mean any parts, sets, equipment, or supplies that are designed for or are capable of being used for reception, transmission or amplification of radio waves.

"Transmitting equipment" shall mean any equipment or apparatus or parts thereof capable of being used or converted into apparatus for the transmission of radio frequency energy, including but not by way of limitation, all transmitting sets, phonograph oscillators, signal generators, or other such apparatus or equipment which it may be deemed necessary to impound for the preservation of the security of the Territory of Hawaii.

"Short-wave receiver" shall mean any radio set or equipment capable of receiving broadcasts on frequencies other than those between 550 kilocycles and 1750 kilocycles.

"Frequency modulated receiver" shall mean any radio set capable of frequency modulation reception or any frequency modulation adapter.

"Household" shall mean those individuals sharing a common dwelling, as a family.

"Broadcast band receiver" shall mean any radio receiver designed for or altered to receive only radio waves between 550 kilocycles and 1750 kilocycles including additional radio tubes possessed for and only in conjunction with such radio receiver.

"Operate" shall mean to use or to keep in such manner that it is available for use.

Respondent's Exhibit No. 16—(Continued)

"Possess" shall mean belonging to or in the possession, custody, or control of.

"Governmental Agency" shall mean any authorized Army, Navy, Federal, Territorial or City agency.

"Dealer" shall mean any person other than the ultimate consumer engaged in the importation, purchase, sale, loan, construction, or repair of radio equipment.

"Signal Representative" shall mean the Signal Representative, Officer of the Military Governor, as designated in this General Orders.

3.02. No enemy alien or household of which an enemy alien is a member shall possess or operate any radio equipment other than a broadcast band receiver.

3.03. No person shall operate a short-wave receiver or frequency modulated receiver in such manner that the reception is accessible directly or indirectly to any enemy alien, nor allow or permit an enemy alien to operate a short-wave receiver or frequency modulated receiver.

3.04. No person except governmental agencies and licensed dealers, shall possess any transmitting equipment unless such transmitting equipment shall be registered with the Signal Representative and authorization for such possession granted not later than five (5) days from the date of this General Orders, except that persons who have already registered with the Signal Representative and have secured his authorization for possession need not register nor secure such authorization again.

Respondent's Exhibit No. 16—(Continued)

3.05. No person except governmental agencies and licensed dealers shall possess any frequency modulated receiver.

3.06. Short-wave and frequency modulated receivers, the possession of which is prohibited, shall be altered by the United States Army Signal Corps.

3.07. All radio equipment, the possession of which is prohibited, shall be delivered to any Police Station for custody.

3.08. Application for authorization of possession of transmitting equipment will be made to the Signal Representative on Form S/R-108, supplied by him.

3.09. On the Island of Oahu all correspondence, applications, reports, or appeals in connection with Paragraphs 3.01 to 3.08 above will be submitted directly to the office of the Signal Representative, Komatsuya Hotel, 491 North King Street, Honolulu, T. H. On all other islands it will be submitted through the Service Command of that island.

4. Radio Dealers' Regulations.

4.01. Definitions. For the purpose of this General Orders, unless the context otherwise requires, the following terms and equivalent expressions shall have the following respective meanings:

"Class 'A' controlled item" shall mean any item of radio equipment classified as a class "A" controlled item by the Military Governor.

"Class 'B' controlled item" shall mean any item of radio equipment classified as a class "B" controlled item by the Military Governor.

"Deal in" shall mean any importation, purchase,

Respondent's Exhibit No. 16—(Continued)
sale, loan, repair or other transaction or disposition.

All definitions given in Paragraph 3.01 of this General Orders shall apply equally to the following paragraphs.

4.02. No person shall deal in radio equipment unless licensed by the Signal Representative upon application as provided herein made not later than five (5) days from the date of this General Orders, except that persons who have secured the prescribed license from the Signal Representative prior to the date of this General Orders need not secure such license again.

4.03. No class "A" controlled items may be sold except upon presentation of a purchase permit issued by the Signal Representative.

4.04. No person shall purchase at any one time any class "B" controlled item in excess of the limit stated herein, unless upon presentation of a purchase permit issued by the Signal Representative. The amount may be limited by number, by replacement, or both. No sales or purchases in excess of previous normal sales shall be made.

4.05. No person except a licensed repairman shall repair, alter, modify or tamper with any radio, or remove or mutilate any seal attached to any radio which has been altered by the Signal Corps under the provisions of any General Orders of the Military Governor.

4.06. No sales of radio supplies or equipment shall be made to any person without presentation of a Territorial Identification Certificate, or military or naval identification card or tag showing their

Respondent's Exhibit No. 16—(Continued)
non-enemy alien citizenship status. No sales of radio equipment, except receiving tubes, shall be made to any enemy alien except upon presentation of a purchase permit issued by the Signal Representative.

4.07. The provisions of Paragraph 4.04 of this General Orders shall not apply to purchases and sales of authorized purchasing officers of governmental agencies.

4.08. Individuals, not enemy aliens, making purchases or sales with licensed dealers or other persons not enemy aliens shall be excepted from the prohibitions of Paragraph 4.02 of this General Orders.

4.09. Persons desiring to purchase any class "A" controlled item or any class "B" controlled item in excess of the limitation may obtain a purchase permit from the Signal Representative authorizing such a purchase.

4.10. Upon designation of a class "A" controlled item all dealers shall make an inventory of all such items they possess or which they shall receive subsequent to such classification. This inventory will be submitted to the Signal Representative within three (3) days of such classification.

4.11. In the purchase of class "B" items controlled by "replacement" it shall be necessary for the person purchasing such items to turn in to the dealer an equal unserviceable item before sale of a new item shall be made.

4.12. All radio equipment which shall be received

Respondent's Exhibit No. 16—(Continued)
by dealers in accordance with Paragraph 4.11 above, shall be reported monthly to the Signal Representative who shall make disposal commensurate with the salvage value of the equipment.

4.13. Licensed dealers who shall make repairs on altered radio sets shall do so in accordance with instructions issued by the Signal Representative. A report of each altered set repaired will be made within five (5) days of completion of repairs on Form S/R-106, which may be obtained from the Signal Representative.

4.14. The following items are designated as class "A" controlled items:

Amplifiers
Audio Oscillators
Frequency Modulated Adapters
Frequency Modulated Receivers
Phonograph Oscillators
Signal Generators
Transmitters

4.15. The following items are designated as class "B" controlled items: Items limited in sale by number are designated by a figure and items limited in sale by replacement are indicated by "R":

Chokes	—R
Coils	—R
Condensors	—R
Insulators	—R
Radio Receivers	1
Radio Tubes (all types)	—R
Transformers (all types)	—R

Respondent's Exhibit No. 16—(Continued).

4.16. Application for license will be submitted on Form S/R-101.

4.17. Purchase permits will be obtained on the Island of Oahu from the office of the Signal Representative, Komatsuya Hotel, 491 North King Street, Honolulu, T. H. On all other islands purchase permits will be obtained from the Service Command of that island.

4.18. All correspondence will be submitted in accordance with Paragraph 3.09 of this General Orders.

5. Signal Representative, Office of the Military Governor.

5.01. The Department Signal Officer, Headquarters Hawaiian Department, is designated as Signal Representative, Office of the Military Governor. The Department Signal Officer may designate Assistant Signal Representatives to whom he may delegate the powers granted herein in such degree as he may deem necessary.

6. Use and Operation of Electrical Diathermy Type Machines.

6.01. No person, firm or corporation shall use or operate, or cause to be used or operated, any electrical diathermy type machine, unless such person, firm, or corporation first secures a license issued by the Military Governor permitting such use or operation.

6.02. Any person, firm, or corporation, who owns, operates, or has custody of any electrical diathermy type machine on the Island of Oahu will

Respondent's Exhibit No. 16—(Continued)

cause the same to be registered immediately at the Signal Representative's Office located at the Komatsuya Hotel, 491 North King Street. Any person, firm, or corporation who owns, operates, or has custody of any electrical diathermy type machine on any of the other Islands in the Territory of Hawaii, will immediately cause the same to be registered with the District Commander of the island upon which it is located. The provisions of this Paragraph 6.02 shall not apply to any person, firm, or corporation who has heretofore registered such machine pursuant to prior General Orders of the Military Governor.

6.03. A Board of Officers, consisting of a Signal Officer and a Medical Officer is hereby authorized to grant licenses for the use and operation of electrical diathermy type machines in accordance with such rules and regulations as they may prescribe. Licenses heretofore issued by said board under prior registrations hereby are ratified and confirmed, and such licenses hereby are deemed to authorize the use and operation of such electrical diathermy type machines on the same basis, and subject to the same rules and regulations, as though such licenses had been issued under the provisions of this General Orders.

6.04. Any diathermy type machine for which a license to operate is not issued shall be impounded by the Signal Representative, and a receipt therefor will be issued to the owner thereof, if known, or to the person from whom possession thereof is taken.

6.05. The transfer, sale, or other disposition of

Respondent's Exhibit No. 16—(Continued)

any electrical diathermy type machine is prohibited unless written consent is obtained from the Military Governor. Such consent may be obtained at the office of the Signal Representative.

6.06. No electrical diathermy type machine shall be imported into the Territory of Hawaii without the written consent of the Military Governor.

7. Photographic Materials Rules.

7.01. The sale or other disposition of photographic supplies or equipment to any consignee in abnormal or excessive quantities by any wholesale dealer or importer from stocks on hand or to be received which would operate to deprive the use thereof, or otherwise interfere with the supply of, such supplies or equipment to the military or naval authorities is prohibited.

7.02. Prior to delivery to any consignee by any wholesale dealer or importer of photographic supplies or equipment of quantities from stocks on hand or to be received which are abnormal or in excess of amounts normally disposed of, such dealer or importer shall secure a clearance permit from the Signal Representative, Office of the Military Governor, authorizing such sale or disposition.

8. Cameras and Photography.

8.01. No person other than a person first duly authorized to do so by competent military or naval authorities shall use any camera on any beach in the Territory of Hawaii or use any camera while in, on, or about any airplane, boat, or ship, in waters or air within the Territory of Hawaii or encompassing the said area.

8.02. No person other than a person first duly

Respondent's Exhibit No. 16—(Continued)

authorized to do so by competent military or naval authorities shall photograph or take pictures from, in, on, or of, any military or naval reservation, post, arsenal, proving ground, range, camp, fort, yard, station, district, or restricted military or naval area; or any portion thereof; any shoreline within the Territory of Hawaii; or any military or naval installation, equipment, aircraft, weapons, ammunition, vehicles, ships, vessels, instruments, engines, manufacturing machinery, tools, devices, or any other equipment whatsoever in the possession or use of the Army or Navy, or in the course of experimentation, development, or manufacture, for delivery to and use by the Army or Navy.

9. Carriage of Information to the Mainland.

9.01. No person shall carry to the mainland, or elsewhere for transportation to the mainland, by clipper, ship, or otherwise, any written or printed matter whatsoever, or any photographs, sketches, or drawings, which have not been censored and so marked by a duly authorized censor.

9.02. No person shall send or deliver to another person any written or printed matter whatsoever, or any photographs, sketches, or drawings, for the purpose of having such other person carry such matter to the mainland to avoid censorship.

9.03. No person shall evade, or attempt to evade, censorship by indicating on any envelope, or other container, that the matter contained therein has been censored by a duly authorized censor, or by the re-use of censor labels or by the use of envelopes

Respondent's Exhibit No. 16—(Continued)

or other containers upon which a censor's stamp, or other means indicating censorship, has been used; or to attempt in any other manner or by any other means to evade the local censorship requirements.

10. Pigeons.

10.01. No person shall without the express written permission of the Military Governor transport, carry, or deliver any carrier or homing pigeon, or any other pigeon or bird having the characteristic and ability to carry and transmit a message, code, or writing, from one place to another within the Territory of Hawaii for the purpose of permitting it, or causing it, to fly.

10.02. No person shall send or transmit any message, writing, or code by means of such birds as are described in Paragraph 10.01 above within the Territory of Hawaii.

10.03. The provisions of Paragraph 10.01 and 10.02 above shall not apply to the armed forces of the United States or other governmental units thereof.

11. Penalty for Violations.

11.01. Any person, firm, or corporation who or which violates or evades, or attempts to violate or evade, any of the provisions of this General Orders, shall, upon conviction thereof, be punished by confinement, with or without hard labor, for a period not to exceed five (5) years, or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such confinement and fine.

Respondent's Exhibit No. 16—(Continued)

By order of the Military Governor of the Territory of Hawaii:

THOMAS H. GREEN

Brigadier General, A.U.S.

Executive

10 March 1943

GENERAL ORDERS No. 10

Labor

1. Policy.
2. Registration.
3. Employment.
4. Wages.
5. Hours of Work and Overtime.
6. Use of Labor.
7. Appeal Agency.
8. Child Labor.

1. Policy.

1.01. The following policies are announced for the information and guidance of employers employing the services of (a) employees of the United States under the War Department or the Navy Department; (b) workers employed on construction and other projects under the War Department or the Navy Department; (c) stevedores and other workers employed on docks and dock facilities; and (d) employees of public utilities. The same policies shall be equally applicable to employees of the above-mentioned employing agencies.

2. Registration.

2.01. Any person, now or hereafter employed by

Respondent's Exhibit No. 16—(Continued)

any of the employers to whom reference is made in Paragraph 1.01, and who ceases to be so employed, shall, within two (2) days after ceasing to be so employed, register or re-register with the nearest office of the United States Employment Service.

2.02. Every employer described in Paragraph 1.01 shall notify the nearest office of the United States Employment Service on Form USES-(H)1, prescribed by the United States Employment Service, of any employee added to such employer's payroll and on Form USES-(H)2, prescribed by the United States Employment Service, of any employee dropped from such employer's payroll, within two (2) days thereafter.

2.03. Any person, firm, or corporation who violates, refuses, fails or neglects to comply with any of the provisions of Paragraphs 2.01 and 2.02 above, upon conviction thereof, shall be fined not more than One Thousand Dollars (\$1,000.00), or be imprisoned for not more than one (1) year, or both.

3. Employment.

3.01. Employers described in Paragraph 1.01 may maintain their own labor recruiting facilities.

3.02. The United States Employment Service hereby is designated as the central employment agency for the distribution of civilian labor hereby required to register, and shall allocate labor in the fulfillment of employers' requisitions in accordance with priorities established by the Office of the Military Governor.

3.03. No employer described in Paragraph 1.01

Respondent's Exhibit No. 16—(Continued)
shall employ or offer to employ an individual formerly, now, or hereafter in the employment of other such employers, unless and until such individual shall have presented to the employing agency a bona fide release without prejudice, on Form USES-(H)2, from his last previous employer or from the Director of Labor Control, and evidence of registration on Form USES-350, or Form USES-506.

3.04. Any individual, who is, has been, or hereafter shall be, employed by any employer described in Paragraph 1.01, who presents himself to any other such agency and secures or attempts to secure employment without having a bona fide release without prejudice from his last previous employer, or from the Director of Labor Control, or in any way misrepresents his employment status with regard to such release, shall, upon conviction, be fined not more than two hundred dollars (\$200.00), or be imprisoned for not more than two (2) months, or both.

3.05: Any employer or employer's agent who shall cause any individual to be employed in contravention of Paragraph 3.03 hereof, shall, upon conviction, be fined not more than two hundred dollars (\$200.00), or be imprisoned for not more than two (2) months, or both.

4. Wages.

4.01. Revised Wage Schedule No. 9, dated 3 May 1942 and effective at the beginning of the first payroll period after 3 May 1942, hereby is designated as the standard wage scale for workers engaged in work on construction and other projects under the

Respondent's Exhibit No. 16—(Continued)

War Department or the Navy Department. No person seeking work or employed on construction or other projects under the War Department or the Navy Department, shall be employed at a rate less than, or in excess of the standard rate for the job as listed in Wage Schedule No. 9, and as same may be revised from time to time, as approved by the Military Governor.

4.02. Federal agencies under the War Department or the Navy Department shall continue their regularly established wage schedules.

5. Hours of Work and Overtime.

5.01. Normal work week for employees on construction and other projects under the War Department or the Navy Department shall be six (6) days of eight (8) hours each. The maximum number of hours worked in any seven (7) consecutive days shall not exceed fifty-six (56), except in cases of emergency and with the approval of the Chief of Military or Naval Service concerned.

5.02. Normal work week for employees of the United States under the War Department or Navy Department shall conform to applicable Federal regulations.

5.03. Employees on construction and other projects under the War Department or the Navy Department shall be paid overtime at the rate of one and one-half the regular rate for overtime in excess of forty-four (44) hours per week, or in excess of eight (8) hours in any one day. Double the regular rate will be paid for work performed on the seventh consecutive work day. One and one-half the

Respondent's Exhibit No. 16--(Continued)
regular rate will be paid for work performed on any of the following days only: New Year's Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day and Memorial Day.

5.04. Paragraph 5.03 above shall not apply to employees who are in a supervisory capacity on a monthly salary basis.

5.05. Employees of the United States under the War Department and the Navy Department shall be paid overtime in accordance with applicable Federal regulations.

5.06. For employees engaged on construction and other projects under the War Department and the Navy Department, work shall be so scheduled that all employees shall receive one (1) day off in seven (7). Sunday work per se shall not be considered overtime, and no overtime shall be paid for Sunday except when it is worked consecutively in excess of six (6) days.

5.07. The provisions of any contract between individual employees, labor unions, and employers engaged on construction and other projects under the War Department or the Navy Department, in conflict with the provisions of this General Orders hereby are suspended.

6. Use of Labor.

6.01. Terms of labor contracts between individuals and employers engaged on construction and other projects under the War Department or the Navy Department which restrict or specify the nature of work to be performed, hereby are suspended.

Respondent's Exhibit No. 16—(Continued)

6.02. Any person now or hereafter employed by any employer described in Paragraph 1.01 hereof shall report regularly to the job to which he is ordered by said employer.

6.03. Employers and employers' agents described in Paragraph 1.01 are directed to refrain from discriminatory practices toward employees with regard to releases or other matters relating to termination of employment.

6.04. No employer or employer's agent shall fail or refuse to abide by the decisions of the Director of Labor Control on any matters within the meaning of Paragraph 6.03.

6.05. Any person, firm or corporation who or which violates, refuses, fails, or neglects to comply with any of the provisions of Paragraphs 6.01 to 6.04 inclusive, or who or which evades or attempts to evade any of the provisions of said Paragraphs 6.01 to 6.04, inclusive, upon conviction thereof, if a natural person, shall be punished by confinement, with or without hard labor, not to exceed two (2) months, or by a fine not to exceed two hundred dollars (\$200.00), or by both such confinement and fine, or, if a corporation or other than a natural person, by a fine not to exceed two hundred dollars (\$200.00).

7. Appeal Agency.

7.01. Persons discharged with prejudice from employment with employers mentioned in Paragraph 1.01 hereof, may appeal their cases to the Appeal Agency, Office of the Director of Labor

Respondent's Exhibit No. 16—(Continued)

Control, for decision as to whether or not they may be allowed to continue work with another employer.

7.02. The Director of Labor Control, Office of the Military Governor, hereby is designated as the Appeal Agency for persons discharged with prejudice by employers described in Paragraph 1.01. Any individual not satisfied with the decision of the Appeal Agency may appeal his case to the Labor Control Board of the Military Governor.

8. Child Labor.

8.01. Employers described in Paragraph 1.01 shall comply with the provisions of Section 18 of Chapter 259-B of the Revised Laws of Hawaii 1935, as enacted by Act 237 of the Session Laws of Hawaii 1939, as amended by Act 319, Session Laws of Hawaii, Regular Session 1941.

By order of the Military Governor of the Territory of Hawaii:

THOMAS H. GREEN

Brigadier General, A.U.S.

Executive

10 March 1943

GENERAL ORDERS No. 11

Military Property

1. Purpose.
2. Military Property Comptroller.
3. Internee and Evacuee Property Coordinator.
4. Japanese Motion Picture Film.
5. Firearms and Weapons.

Respondent's Exhibit No. 16— (Continued)

6. Pyrotechnics.
7. Penalty for Violations.

1. Purpose.

1.01. This General Orders is issued in the interests of internal security as additional protection against possible espionage and sabotage.

2. Military Property Comptroller.

2.01. There is hereby created the office of Military Property Comptroller, to operate as an agency of the Office of the Military Governor.

2.02. All civilian and military components, except Provost Courts and Military Commissions, which have taken possession of, commandeered, confiscated, or otherwise received or shall hereafter take possession of, commandeer, confiscate or otherwise receive property of any kind or nature, either by authority of the General Orders issued by the Office of the Military Governor or otherwise, shall give receipt therefor in the following form:

.....
(Issuing Agency)

Honolulu, T. H.

No.

Date.

This certifies that the undersigned has received from

(Name of Individual)

(Address)

the following articles which were surrendered in accordance with military Orders:

}
(Signature of Agent Receiving)

Respondent's Exhibit No. 16—(Continued)

2.03. The receipt shall contain adequate description of each item of property it covers, be made in duplicate, numbered, dated and signed by the Receiving Agent. The original of the receipt shall be issued to the owner of the property described thereon or the person from whom the property was received; the duplicate of the receipt shall contain the following additional statement which shall be signed by the owner or person surrendering the property:

"I hereby certify that the above is a complete list of articles which I have surrendered to the Agency indicated on this date."

.....
(Signature of Owner)

2.04. Each civilian or military component which has received or shall receive property as in Paragraph 2.02 above, shall prepare in triplicate a list of all such property showing each item received and the number of the receipt issued therefor. One copy of such list shall be delivered to the Military Depository having or to have actual possession of the property along with the property or as soon as possible thereafter if the property has already been delivered. One certified copy of such list shall be delivered by the Military Depository together with the duplicates of all receipts issued by the Agency concerned to the Military Property Comptroller. The Military Property Comptroller shall return all duplicate receipts to the Military Depository having actual possession of the property. Each item of property shall have attached thereto a tag or

Respondent's Exhibit No. 16—(Continued)

other identification mark showing the name of the owner and the number of the receipt issued therefor.

2.05. Receipts shall be issued and lists made for all property taken since 7 December 1941. Where the owner is not known, such fact shall be certified by a Responsible Authority of the issuing Agency on the original and duplicate of the receipt. Every effort shall be made by Agencies receiving property in the first instance to locate the owner thereof and obtain his verification.

2.06. After the property has been properly tagged, the duplicates of the receipts representing property in possession of each Military Depository shall be filed in numerical order and held by it. Each such Military Depository shall prepare and keep on file a complete inventory of all alien property held by it, in addition to the above mentioned list, and shall note on said inventory its estimate of the present value of each item thereon and the estimate of a qualified appraiser if available.

2.07. It is the purpose of this procedure to establish accountability so that there will be available complete records for the settlement of all claims in connection with property so taken, confiscated, commandeered, or otherwise received.

3. Internee and Evacuee Property Coordinator.

3.01. There is hereby established an Internee and Evacuee Property Coordinator of this office with offices in the Immigration Station, Honolulu, T. H., to administer the policy of the Military Governor in regard to the security and settlement of property

Respondent's Exhibit No. 16—(Continued)
belonging to persons interned, evacuated or otherwise separated from their property by military order.

3.02. All plans for action whereby civilians are removed or separated from their property by military order will be cleared with the Property Coordinator before action is taken.

3.03. In all instances of separation or removal of civilians from their real or personal property by military order, where reasonable property settlements cannot be immediately accomplished, or where it is felt that extraordinary loss will result from internment or evacuation, or where attempts are being made to exploit the fact of internment or evacuation, the Property Coordinator will be notified by any person or persons having an interest in such property.

3.04. The internee and Evacuee Property Coordinator and his assistants are agents of the Military Governor only and regardless of certain administrative assistance provided by this office, the Property Coordinator and his assistants will not be held agents of, nor responsible to, any person separated or removed from his property by military order.

4. Japanese Motion Picture Film.

4.01. Definitions: As used in this order, the term "Japanese motion picture film" shall include the following:

Any motion picture film made, manufactured or produced in Japan.

Any motion picture film made, manufactured or produced under Japanese control; and

Respondent's Exhibit No. 16—(Continued)

Any motion picture film having titles or sound track in the Japanese language.

4.02. The Department Signal Officer, Headquarters Hawaiian Department, Fort Shafter, T. H., is hereby designated and directed to regulate and control the handling, custody, use and disposition of all Japanese motion picture film in the Territory of Hawaii, and shall have full power and authority to require the storage or destruction of any such film as he may deem necessary or advisable in the interests of military necessity.

4.03. Any person, firm, corporation or association having in possession any Japanese motion picture film shall forthwith file a descriptive report listing such film, giving such information as may be required. Such report shall be filed with said Department Signal Officer or his representatives.

Such report need not be filed where a similar report has been submitted as required by prior Orders of the Military Governor.

4.04. Unless otherwise provided for by special agreement with the owner thereof, the procedure for receipts set forth in paragraphs 2.01 through 2.07 of this General Orders shall be followed for all Japanese motion picture film taken in by the Department Signal Officer.

5. Firearms and Weapons.

5.01. Firearms, ammunition, explosives and weapons in the possession of persons of Japanese ancestry, naturalized American citizens who were citizens of Germany or Italy, and American citizens

Respondent's Exhibit No. 16—(Continued)

whose parents were German or Italian citizens, will be turned in to the nearest police station immediately.

6. Pyrotechnics.

6.01. The possession or use by any person, firm, corporation, or association, of fireworks, roman candles, flares, torpedoes, pyrotechnics, or powder operated signalling devices of any kind, is hereby prohibited except as authorized by the Provost Marshal.

7. Penalty for Violations.

7.01. Any person, firm, or corporation who or which violates or evades, or attempts to violate or evade, any of the provisions of this General Orders, shall upon conviction thereof, be punished by confinement, with or without hard labor, for a period not to exceed one (1) year, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such confinement and fine.

By order of the Military Governor of the Territory of Hawaii:

THOMAS H. GREEN

Brigadier General, A.U.S.

Executive

10 March 1943

GENERAL ORDERS No. 12

Travel

1. Purpose.
2. Travel Control Bureau.
3. Priorities for Air Travel.
4. Enemy Aliens.

Respondent's Exhibit No. 16—(Continued)

5. Applications for Air Travel.

6. Military Aircraft—Quarantine Procedure.

1. Purpose.

1.01. This General Orders is issued in the interests of internal security as additional protection against possible espionage and sabotage.

2. Travel Control Bureau.

2.01. For the purpose of carrying out the provisions of Presidential Proclamations and Executive Orders, and the provisions of this General Orders, with respect to inter-island travel by enemy aliens, and for the purpose of controlling and regulating inter-island travel by air with a view to conservation of facilities for necessary and important traffic, a Travel Control Bureau hereby is established in each District.

2.02. The Travel Control Bureau in the City and County of Honolulu will function as a section of the Contact Office, Office of the Assistant Chief of Staff, G-2, Headquarters Hawaiian Department, and in each of the other Districts the Bureau will be under the control of the District Commander thereof.

On the Island of Kauai the Office of Military Intelligence shall function as the Travel Control Bureau, as designated by the Commanding General, Kauai District.

2.03. An officer from the Contact Office, Office of the Assistant Chief of Staff, G-2, Headquarters Hawaiian Department, will be detailed to the office of the Hawaiian Airlines, Limited, Honolulu, T.

Respondent's Exhibit No. 16—(Continued)

H., for the purpose of examining applications for such travel from the Island of Oahu.

On the Island of Kauai a representative from the Office of the Military Governor, Kauai Service Command, will be detailed to the Office of Kauai Terminals, Port Allen, Kauai, T. H., to examine applications for travel originating in the Kauai District.

The Commanding General of each of the other military districts of the Territory, or officer designated by him, will examine applications for travel originating in their respective districts.

3. Priorities for Air Travel.

3.01. Transportation priorities shall be provided in the following order:

Military personnel (Army, Navy, Marine Corps and Coast Guard) travelling under official orders;

Army and Navy equipment, ammunition, supplies, and materials essential to the war effort ordered for air movement;

Personnel of government departments and agencies and personnel whose activities are essential to the war effort, other than military personnel, travelling on official business which is necessary to the successful prosecution of the war effort;

Persons other than those mentioned above travelling on business;

Other persons.

3.02. Clearing of space for passengers or cargo of higher priority classifications may require displacement of passengers in the last three classifications listed above.

Respondent's Exhibit No. 16--(Continued)

4. Enemy Aliens.

4.01. No enemy alien will be allowed to travel on any airplane, Governmental or commercial, except in cases of extreme emergency when such travel may be authorized by the Travel Control Bureau after proper precautions and safeguards have been taken. "Extreme emergency" is limited to persons dangerously ill or in need of medical treatment not available in their immediate location. When possible, such persons will be accompanied by a trusted physician, nurse, or attendant. In any event, when the travel of an enemy alien is allowed, the crew of the airplane will be so advised in order that they may be able to keep the passenger under close surveillance at all times.

5. Applications for Air Travel.

5.01. All persons requiring air transportation will report in person at the local office of the transportation company or other designated place and fill out the required application form. The travel control officer will pass on each application and grant the priority authorized. Tickets may be sold only after the application has been approved by the travel control officer. The office from which it is proposed to purchase transportation should be contacted as soon as possible.

5.02. All persons desiring to travel by airplane between the islands in the Territory of Hawaii must show reason and necessity for such travel and establish proof of their identity in submitting their application. Proof of citizenship must be fur-

Respondent's Exhibit No. 16—(Continued)
nished to the satisfaction of the travel control officer.

5.03. The application for travel will be submitted on the form prescribed by the Military Governor. The application will be made in quadruplicate. The following disposition of the application will be made:

The original—returned to applicant. If approved, it will be surrendered to the carrier at the time passage is purchased.

The duplicate—sent to the Contact Office, Office of the Assistant Chief of Staff, G-2, Headquarters Hawaiian Department, 214 Dillingham Building, Honolulu, T. H., at the close of each day.

The triplicate—sent to G-2, Office of the Commanding General of the District to which travel is to be made.

The quadruplicate—retained in office of the Travel Control Bureau for record.

5.04. All passengers travelling on priority will have their tickets stamped with the class of "Priority" at the time the ticket is purchased to insure proper handling at stopovers or return from other Districts.

5.05. Baggage and persons will be searched only when it is deemed advisable to make such search.

5.06. No written or printed matter in any language other than English will be taken aboard any commercial aircraft without prior approval by local Military Intelligence officials.

5.07. No maps, charts, or blueprints will be transported except by authorized persons.

Respondent's Exhibit No. 16—(Continued)

5.08. No photographs or negatives showing any of the beaches, shoreline, panoramic views from a high point, or military or naval installations will be transported. Under no circumstances will any (except official) undeveloped film be transported.

6. Military Aircraft—Quarantine Procedure.

6.01. The Local Director of the United States Public Health Service and the Plant Quarantine Inspector of the Department of Agriculture are relieved of their respective duties and responsibilities concerning disinsectization and plant inspection of military aircraft arriving at the Hawaiian Islands.

6.02. Two Medical Officers, a Quarantine Officer and an Assistant Quarantine Officer, designated by name by the Commanding General, Hawaiian Department, hereby are designated as Quarantine Officers for the quarantine inspection of military aircraft arriving from outside the Hawaiian Islands to include disinsectization and plant and animal quarantine inspection of these aircraft.

6.03. The Local Director of United States Public Health Service and the Plant Quarantine Inspector are designated as consultants to the Surgeon, Hickam Field, for these procedures.

By order of the Military Governor of the Territory of Hawaii:

THOMAS H. GREEN

Brigadier General, A.U.S.

Executive

Respondent's Exhibit (No. 16—(Continued))
10 March 1943

GENERAL ORDERS No. 13

Rescission of General Orders Nos. 1 to 181, Inclusive, Saving Clause, and Effective Date of General Orders Nos. 1 to 14, Inclusive, This Office, Dated 10 March 1943.

1. Rescission of General Orders Nos. 1 to 181, Inclusive, and Saving Clause.
2. Effective Date of General Orders Nos. 1 to 14, Inclusive, This Office, Dated 10 March 1943.

1. Rescission of General Orders Nos. 1 to 181, Inclusive, and Saving Clause.

1.01. General Orders Nos. 1 to 181, both inclusive, this office, bearing dates from December 7, 1941, to January 30, 1943, both dates inclusive, and all regulations issued pursuant to or under said General Orders, are rescinded as of March 10, 1943, provided, however, that the rescission of the aforesaid General Orders and regulations as herein provided shall not have the effect to release or extinguish any penalty, forfeiture or liability incurred by any person or to which any person or property has become subject or liable, under such General Orders Nos. 1 to 181, inclusive, or said regulations, or any part, portion, or provision of said General Orders, or said regulations, prior to March 10, 1943, nor constitute a bar on or after March 10, 1943, to the filing or preferring of charges against persons for violations of said General Orders, said regulations, or any part of por-

Respondent's Exhibit No. 16—(Continued)

tion thereof committed prior to March 10, 1943, or the trial and determination of such offenses or charges against such persons by the Provost Courts, Military Commissions, and the Military Governor of the Territory of Hawaii; and provided, further, that the said General Orders, said regulations, and parts, portions, and provisions thereof so rescinded shall be and remain in force on and after March 10, 1943, for the purpose of authorizing the prosecution, trial, conviction, and punishment of all persons who shall have violated said General Orders, or said regulations, as aforesaid, prior to March 10, 1943, and that every offender having committed an offense or violation against such General Orders, or said regulations, prior to March 10, 1943, shall be punished under the General Orders, regulations, parts, provisions, or portions thereof, ~~in~~ force when the offense or violation was committed.

2. Effective Date of General Orders Nos. 1 to 14, Inclusive, This Office, Dated 10 March 1943.

2.01. General Orders, Nos. 1 to 14, both inclusive, this office, each dated March 10, 1943, and of which series of General Orders this General Orders is one and is No. 13, shall be in full force and effect throughout the Territory of Hawaii on and after March 10, 1943.

By order of the Military Governor of the Territory of Hawaii:

THOMAS H. GREEN

Brigadier General, A.U.S.

Executive

Respondent's Exhibit No. 16—(Continued)

10 March 1943

GENERAL ORDERS No. 14

Organization of the Office of the
Military Governor

1. Executive Section.
2. District Representatives of the Military Governor.
3. Plans and Operations.
4. Central Identification Bureau.
5. Appointments.
6. Location of the Office of the Military Governor.

1. Executive Section.

1.01. Executive. The Executive and Assistant Executive of the Military Governor and others designated by them shall function on behalf of the Military Governor in carrying out the administration of all policies and operations of martial law and in coordinating and controlling all functions connected with such administration.

1.02. Law Enforcement. The military commissions, provost courts, and the Provost Court Commissioner will carry out the functions assigned to them in General Orders No. 2, this office, 10 March 1943, and amendments and additions thereto.

1.03. Legal Section. This section shall handle all matters with reference to military commissions and provost courts including review and appeal therefrom and recommendations to the Military Governor thereon, and shall render legal advice.

Respondent's Exhibit No. 16—(Continued)

to the Military Governor and handle such other related matters as the Executive of the Military Governor may direct.

1.04. Public Information. Press releases and other information will be made available to the public by this section as ordered by the Military Governor.

1.05. Personnel. This section shall procure and administer the necessary personnel for the office operation of the Military Governor and perform such other related functions as directed.

1.06. Finance. This section shall handle all matters of finance connected with the office of the Military Governor and procure and administer supplies and equipment therefor.

1.07. Statistics and Engineering. This section shall handle all matters related to statistics and engineering referred to it by the Military Governor.

1.08. Trans-Pacific Travel. This section shall handle all matters concerning priorities of trans-Pacific travel and make recommendations to the Military Governor with reference thereto.

1.09. Military Property Comptroller. The Military Property Comptroller will carry out the functions set forth in Title 2. of General Orders No. 11, this office, 10 March 1943, and any amendments or additions thereto.

1.10. Internee and Evacuee Property Coordinator. The Internee and Evacuee Property Coordinator will carry out the functions set forth in Title 3. of General Orders No. 11, this office, 10

Respondent's Exhibit No. 16—(Continued)
March 1943, and any amendments or additions thereto.

1.11. Hawaiian Department Alien Processing Center. The Hawaiian Department Alien Processing Center will handle all matters with reference to the interment or evacuation of persons in the Territory of Hawaii which are referred to it by the Military Governor.

2. District Representatives of the Military Governor.

2.01. The Commanding Generals of the Hawaii, Maui, Kauai, and Molokai-Lanai districts hereby are appointed Representatives of the Military Governor and hereby are charged with assisting in the administration and enforcement of the policies and orders of the Military Governor in their respective districts.

2.02. Representatives of the various sections and bureaus of the Office of the Military Governor will be appointed within the Districts of Hawaii, Maui, Kauai, and Molokai-Lanai as the situation may require. Such representatives shall be appointed by the Military Governor upon recommendation of the Commanding Generals of the respective districts acting as District Representatives of the Military Governor.

3. Plans and Operations.

3.01. Director of Plans and Operations. Under the direction of the Military Governor, the Director of Plans and Operations will make plans for, and control, coordinate, and supervise the activities

Respondent's Exhibit No. 16—(Continued)

of, such functional sections of the Office of the Military Governor as the Military Governor may direct and designate from time to time.

3.02. Director of Cargo and Passenger Control. In order to expedite the handling of all shipments at all Territorial ports, the Director of Cargo and Passenger Control is hereby directed to coordinate all port facilities.

3.03. Authority of Director of Cargo and Passenger Control. The Director of Cargo and Passenger Control will, to the extent directed by the Military Governor:

Supervise, coordinate and regulate dockage and stevedoring; barges, tugs, and floating equipment; the loading and discharging of fuel, including the use of fuel lines; transportation and other facilities necessary to expedite the handling of cargo and passengers; and the disposition of all cargo until removed from the dock area at all docks and wharves in the Port of Honolulu and in other Territorial ports;

Supervise, coordinate, and regulate, in accordance with priorities set by civilian agencies and transmitted to the Director of Cargo and Passenger Control by the Director of Plans and Operations, the allocation to vessels of all commercial cargo; and, in accordance with advice of the Army Transportation Corps, all Army cargo and vessels offered for shipment out of the Territory or between the islands;

Organize and set up an Assistant Director of

Respondent's Exhibit No. 16—(Continued)

Cargo and Passenger Control, together with such added personnel as the Military Governor may authorize, at each of the outlying ports of the Territory, to carry out the operations prescribed above.

3.04. Section of Labor Control. Under the direction of the Director of Labor Control, this section shall administer all matters pertaining to labor as promulgated by the Military Governor in General Orders No. 10, this office, 10 March, 1943, and any amendments or additions thereto.

3.05. Labor Control Board. A Labor Control Board hereby is created to investigate and arbitrate such labor disputes as may arise under the provisions of General Orders No. 10, this office, 10 March 1943, and any amendments or additions thereto, as well as such other labor disputes as may be referred to it by the Military Governor, and shall recommend to the Military Governor such labor policies as it shall deem advisable for the successful prosecution of the war effort.

This Labor Control Board shall consist of seven members as follows:

Director of Labor Control, Chairman

One (1) representative of the U. S. Army

One (1) representative of the U. S. Navy

Two (2) representatives of the American Federation of Labor

One (1) representative of the Congress for Industrial Organization

One (1) representative of industry, appointed on recommendation of the Honolulu Chamber of Commerce.

Respondent's Exhibit No. 16—(Continued)

The decisions of this Labor Control Board shall not be final until approved by the Military Governor.

4. Central Identification Bureau.

4.01. The Central Identification Bureau will operate under a director appointed by the Military Governor and is charged with the registration of persons and the issuance of means of identification as required by the provisions of General Orders No. 8, this office, 10 March 1943, and any amendments or additions thereto.

5. Appointments.

5.01. The following appointments to the offices indicated hereby are made:

Major General James A. Woodruff, U.S.A., Director of the Central Identification Bureau;

Colonel B. F. Hayford, F. A., Director of Plans and Operations;

Commander Ernest Gray, U.S.N.R., Director of Cargo and Passenger Control;

Mr. John R. Mead, Director of Labor Control;

Mr. Alfred E. Tree, Military Property Comptroller;

Lieutenant Dwight H. Lowrey, Inf., Internee and Evacuee Property Coordinator.

5.02. The following officers are hereby designated District Military Property Comptrollers and also District Internee and Evacuee Property Coordinators in their respective districts:

Major William P. Crum, F.A., District of Kauai;

Major John D. Hagon, F.A., District of Maui;

Respondent's Exhibit No. 16—(Continued)

Major Thomas E. G. Paradine, Inf., District of Hawaii.

6. Location of the Office of the Military Governor.

6.01. The Office of the Military Governor of the Territory of Hawaii shall be located at Iolani Palace, Honolulu, T. H.

6.02. An Office of the Military Governor shall also be maintained in each district, including the Hawaii District, the Kauai District, the Maui District, and the Molokai-Lanai District, at such location as may be designated within the district by the Commanding General of each district acting as District Representative of the Military Governor.

By order of the Military Governor of the Territory of Hawaii.

THOMAS H. GREEN

Brigadier General A.U.S.

Executive

[Seal]

WILLIAM R. C. MORRISON

Colonel, J.A.G.D.

Assistant Executive

[Endorsed]: Filed 4-20-44.

[Endorsed]: No. 10774. United States Circuit Court of Appeals for the Ninth Circuit. Wm. F. Steer, Colonel, Infantry, United States Army, Provost Marshal, Central Pacific Area, Appellant, vs. Harry E. White, Appellee. Transcript of Record. Upon Appeal from the District Court of the United States for the Territory of Hawaii.

Filed May 12, 1944.

PAUL P. O'BRIEN,

Clerk of the United States Circuit Court of Appeals
for the Ninth Circuit.

United States Circuit Court of Appeals
for the Ninth Circuit

No. 10774

In the Matter of

HARRY E. WHITE

APPELLANT'S STATEMENT OF POINTS
ON APPEAL

The judgment of the District Court ordering the discharge of the appellee from custody upon a writ of habeas corpus was erroneous in that:

I. The pleadings consisting of the petition for a writ, order to show cause why a writ should not issue, the return and answer to the petition, to the order to show cause and to the return, and the traverse disclose that the privilege of the writ of habeas corpus was lawfully suspended and martial

law lawfully existed pursuant to public proclamations of the Governor of the Territory of Hawaii issued pursuant to the Organic Act of the Territory; and that pursuant to such martial law the appellee had been convicted by a military court and was imprisoned and detained by appellant for the violation of the Law of the Territory involved herein; and therefore it appeared upon the pleadings that a writ of habeas corpus should not have issued, and appellee should not have been released on bond pending a hearing, and should not have been discharged.

1. The writ should not have been issued.

2. The appellee should not have been released on bond prior to a determination of the case.

3. Under the Organic Act the suspension of the privilege of the writ and martial law promulgated by the Governor with the approval of the President and continued by further Proclamation of the Governor, continues until promulgation of its termination by the President, or by the Governor with the approval of the President, and could not be terminated by the District Court.

II. Upon the hearing and trial on the pleadings it was established that there was a reasonable basis for the judgment that imminent danger of invasion requiring the continued suspension of the privilege of the writ and existence of martial law and that there was no basis for invalidation of that judgment by the District Court; that the privilege of the writ lawfully continued to be suspended and martial law continued in existence and the appellee was lawfully

detained pursuant to martial law and could not lawfully be released upon a writ of habeas corpus.

1. The executive authorities which proclaimed martial law and the suspension of the privilege of the writ have the power to terminate martial law and the suspension of the privilege of the writ and in the circumstances of this case the judicial authorities do not have such power.

2. There was a rational basis for the honest judgment and determination that there was imminent danger of invasion and that the suspension of the privilege of the writ and the existence of martial law should be continued and in the absence of fraud or caprice the District Court lacked power to invalidate that judgment.

3. Even if the privilege of the writ was not suspended, martial law existed and the appellee's discharge should have been refused on the merits on the ground that he was lawfully detained under martial law.

III. Apart from the suspension of the privilege of the writ and the existence of martial law generally or in other cases or at any other time after December 7, 1941, the particular application of martial law here involved in August 1942, trial by a military tribunal for violation of the law of the Territory here involved at that time and in time of war was lawful and required by military necessity and the privilege of the writ was suspended in such case and even if not suspended, the writ should have

been refused or discharged on the merits and the appellee should not have been discharged.

G. D. CROZIER,

United States Attorney, Dis-
trict of Hawaii,

EDWARD J. ENNIS,

Special Assistant to the At-
torney General,
Attorneys for Appellant.

[Endorsed]: Filed May 19, 1944. Paul P.
O'Brien, Clerk.